

Northern Planning Committee

Agenda

Date: Wednesday, 20th July, 2011
Time: 2.00 pm
Venue: The Assembly Room - Town Hall, Macclesfield SK10 1DX

The agenda is divided into 2 parts. Part 1 is taken in the presence of the public and press. Part 2 items will be considered in the absence of the public and press for the reasons indicated on the agenda and at the foot of each report.

Please note that members of the public are requested to check the Council's website the week the Planning/Board meeting is due to take place as Officers produce updates for some or all of the applications prior to the commencement of the meeting and after the agenda has been published.

PART 1 – MATTERS TO BE CONSIDERED WITH THE PUBLIC AND PRESS PRESENT

1. Apologies for Absence

To receive any apologies for absence.

2. Declarations of Interest/Pre Determination

To provide an opportunity for Members and Officers to declare any personal and/or prejudicial interests and for Members to declare if they have pre-determined any item on the agenda.

3. Minutes of the Meeting (Pages 1 - 6)

To approve the Minutes as a correct record.

4. Public Speaking

For any apologies or requests for further information, or to arrange to speak at the meeting

Contact: Sarah Baxter
Tel: 01270 686462
E-Mail: sarah.baxter@cheshireeast.gov.uk

A total period of 5 minutes is allocated for each of the planning applications for Ward Councillors who are not members of the Planning Committee.

A period of 3 minutes is allocated for each of the planning applications for the following individuals/groups:

- Members who are not members of the Planning Committee and are not the Ward Member
- The Relevant Town/Parish Council
- Local Representative Groups/Civic Society
- Objectors
- Supporters
- Applicants

5. **11/1629M-Reserved matters approval for the erection of 35 dwellings with associated parking, open space and landscaping (Outline application (10/3486M) Re-submission of application 10/4697M, Havannah Mill, Havannah Lane, Eaton, Congleton, Cheshire for Rowland Homes Ltd (Pages 7 - 18)**

To consider the above application.

6. **11/1912M-Extension to Time Limit - 08/0175P (Demolition of various storage buildings and structures and the erection of 14 residential units), Land at Norburys Yard, Knutsford, Cheshire for Hillcrest Homes Ltd (Pages 19 - 36)**

To consider the above application.

7. **11/1992M-Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses. Identical submission to Withdrawn Applications (10/4764M and 10/4758M) on 22nd March 2011 (Full Planning Application), Norburys Yard, Knutsford, Cheshire for Hillcrest Homes (Pages 37 - 52)**

To consider the above application.

8. **11/1996M-Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses. Identical submission to Withdrawn Applications (10/4764M and 10/4758M) on 22nd March 2011 (Conservation Area Consent), Norburys Yard, Knutsford, Cheshire for Hillcrest Homes (Pages 53 - 58)**

To consider the above application.

9. **11/0989M-Demolition of Existing Dwelling and Erection of 41 Bed Care Home, 64 Goughs Lane, Knutsford, Cheshire for Marantomark Ltd (Pages 59 - 68)**

To consider the above application.

10. **11/1438M-Change of Use from Agricultural Land (Sui Generis) to a Private Mixed Recreation Development (Ancillary to the Enjoyment of the Main House, Mallerstang, Class C3) Comprising a Cricket Pitch, a Siting Area for the Erection of a Temporary Marquee, Equestrian Manege, Warm Up/Warm Down, Turf Training and Cross Country Areas together with a Revised Vehicular Access and Temporary Car Parking Area, Piggots Hill Farm, Congleton Lane, Chelford for The BS Sheppard 2003 Settlement Trust** (Pages 69 - 80)

To consider the above application.

11. **Planning for Growth & the Presumption in Favour of Sustainable Development** (Pages 81 - 86)

To update the Board on recent ministerial announcements with regard to growth and sustainable development.

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CHESHIRE EAST COUNCIL

Minutes of a meeting of the **Northern Planning Committee**
held on Wednesday, 29th June, 2011 at The Assembly Room - Town Hall,
Macclesfield SK10 1DX

PRESENT

Councillor B Moran (Chairman)
Councillor W Livesley (Vice-Chairman)

Councillors C Andrew, G Boston, L Brown, B Burkhill, D Druce, H Gaddum,
A Harewood, P Hoyland, O Hunter, L Jeuda, P Raynes and L Roberts

OFFICERS PRESENT

Mrs A Berry (Senior Planning Officer), Mrs N Folan (Planning Solicitor), Mr P
Hooley (Northern Area Manager), Mr C Hudson (Senior Arboricultural and
Landscape Officer), Ms S Orrell (Principal Planning Officer), Mr N Jones
(Principal Development Officer)

12 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor D Stockton.

13 DECLARATIONS OF INTEREST/PRE DETERMINATION

Councillor Mrs H M Gaddum declared that she had pre determined
application 11/1180M - Lynton, Jarman Road, Sutton, Macclesfield, SK11
0HJ: Single Storey Rear Extension to Replace Existing Lean To and
Pitched Roof to Existing Flat Roof Area (Retrospective) for Mr and Mrs H
Marshall and in accordance with the Code of Conduct she exercised her
right to speak as Ward Councillor and then left the meeting during
consideration of the application.

14 MINUTES OF THE PREVIOUS MEETING

RESOLVED

That the minutes be approved as a correct record and signed by the
Chairman. Councillor L Brown requested that future minutes refer to her
as Councillor L Brown and not Councillor Mrs L Brown.

15 PUBLIC SPEAKING

RESOLVED

That the public speaking procedure be noted.

- 16 **11/1115M - WINDMILL WOOD, CHELFORD ROAD, OLLERTON, KNUTSFORD WA16 8RX: ERECTION OF A DWELLING AND TWO OUTBUILDINGS IN ASSOCIATION WITH THE MANAGEMENT OF WINDMILL WOOD INCLUDING THE DEMOLITION OF A BRICK BUILT WAREHOUSE, ONE SHED AND TWO OPEN STORES FOR MR AND MRS PANAYI**

This application was withdrawn prior to the meeting.

- 17 **11/1239M - LAND OFF TUDOR DRIVE, PRESTBURY, MACCLESFIELD, SK10 4UU: NEW DWELLING WITH DETACHED GARAGE AND ASSOCIATED ACCESS, HARDSTANDING AND LANDSCAPING FOR PROFESSOR UPTON HUNTER ESTATES LTD**

Consideration was given to the above application.

(Councillor J P Findlow, the Ward Ward Councillor, Parish Councillor Mrs Jackson, representing Prestbury Parish Council, Mrs Everatt, an objector, Mr Taylor, an objector and Mrs Emery, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be refused for the following reasons:-

1. The proposed development would not be sympathetic to the character of the established Low Density Housing Area by virtue of the scale and form of the new dwellinghouse, the density of development within the plot, and the removal of existing tree and ground cover of public amenity value. The proposed development is therefore contrary to policy H12 of the Macclesfield Borough Local Plan 2004.

2. The proposed development by virtue of its size and siting would result in the direct loss of a number of existing trees, three of which are the subject of a Tree Preservation Order. The loss of these trees is considered unacceptable because of the impact upon the general amenity and character of the area in which the application site is located. Whilst mitigation measures have been put forward, these are not considered to provide an identifiable net environmental gain. The mitigation measures would be located to the rear of the site where they would not be highly visible from public vantage points and therefore would not offer the same amenity value as the existing trees that are proposed to be removed. The development is therefore contrary to policy DC9 of the Macclesfield Borough Local Plan 2004.

(This decision was contrary to the Officers recommendation of approval).

- 18 **11/1121M - LAND OFF BENTSIDE ROAD, DISLEY, SK12 2AJ: ERECTION OF THREE BEDROOM DWELLING FOR MR AND MRS BRAIDSHAW**

Consideration was given to the above application.

(Mr Walker, an objector and Mr Maclean, the agent for the applicant attended the meeting and spoke in respect of the application).

(During the debate the meeting adjourned for 5 minutes).

RESOLVED

That the application be approved subject to the following conditions:-

1. Contaminated Land
2. Commencement of development (3 years)
3. Submission of samples of building materials
4. Decontamination of land
5. Protection from noise during construction (hours of construction)
6. Landscaping - submission of details
7. Landscaping (implementation)
8. Tree retention
9. Tree protection
10. Construction specification/method statement
11. Pedestrian visibility at access (dimensions)
12. Development in accord with approved plans
13. Highways Note
14. Public Right of Way Note
15. Nesting Birds
16. Removal of Permitted Development Rights

19 **11/1180M - LYNTON, JARMAN ROAD, SUTTON, MACCLESFIELD, SK11 0HJ: SINGLE STOREY REAR EXTENSION TO REPLACE EXISTING LEAN TO AND PITCHED ROOF TO EXISTING FLAT ROOF AREA (RETROSPECTIVE) FOR MR AND MRS H MARSHALL**

Consideration was given to the above application.

(Councillor Mrs H M Gaddum, the Ward Councillor and Mrs Marshall, the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the following conditions:-

1. Commencement of development (3 years)
2. Materials as application

20 11/1014M - TESCO STORES LTD, HIBEL ROAD, MACCLESFIELD, CHESHIRE, SK10 2AB: EXTENTION TO TIME LIMIT ON PLANNING PERMISSON 08/0906P FOR TESCO STORES LTD

Consideration was given to the above application.

(During consideration of the application Councillor D Druce left the meeting and did not return).

(Mr Smith, an objector and Mr Wheeler, the agent for the applicant attended the meeting and spoke in respect of the application).

RESOLVED

That the application be approved subject to the completion of a Section 106 Agreement comprising of the following Heads of Terms:-

Clause to require the submission of details and delivery of improvements to Middlewood Way.

Clause to require car park/access queue monitoring and the removal of parking spaces at the request of the Highway Authority.

Clause to secure funding for the provision of a Traffic Regulation Order in respect of alterations to existing speed limits.

Clause for the requirement to enter into a S278 with the Highways Authority for works on or contiguous with the public highway.

Clause to facilitate the construction and future maintenance of a footway/cycleway crossing of the river Bollin between land under Tesco's control and the Barracks Mill site adjoining, when that development comes forward

and subject to the following conditions:-

1. A01AP - Development in accord with approved plans
2. A02FP - Commencement of development
3. A05EX - Details of materials to be submitted
4. cycle stands to be provided
5. levels
6. hours of construction
7. footway to be completed prior to roundabout

8. oil interceptor
9. replacement trolley store
10. river protection
11. lighting to be shielded
12. pile driving
13. landscaping scheme including buffer to be submitted
14. replacement recycling facilities to be provided

The meeting commenced at 2.00 pm and concluded at 4.33 pm

Councillor B Moran (Chairman)

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Application No: 11/1629M

Location: Havannah Mill, Havannah Lane, Eaton, Congleton, Cheshire, CW12 2ND

Proposal: Reserved matters approval for the erection of 35 dwellings with associated parking, open space and landscaping (Outline application (10/3486M) Re-submission of application 10/4697M

Applicant: Rowland Homes Ltd

Expiry Date: 28-Jul-2011

Date Report Prepared: 11.07.11

SUMMARY RECOMMENDATION

Approve, subject to conditions

MAIN ISSUES

- Whether the proposed layout, scale, appearance and landscaping is acceptable
- Whether the dwellings would fit comfortably within the site and surrounding area
- Whether the parameters of scale comply with the varied outline consent (10/3486M)

REASON FOR REPORT

The proposal is a major development as defined by The Town and Country Planning (Development Management Procedure) Order 2010. Under the constitution such applications are required to be considered by the Committee.

DESCRIPTION OF SITE AND CONTEXT

The former Havannah Mill site is located on the edge of Congleton and immediately adjacent to a row of former mill workers' cottages as well as Havannah primary school and an area of new build housing within the Buglawton area of Congleton.

The area of the proposed development includes the site of the now-demolished Windsor Mill, the foundations of which are still evident on site. It is understood that this 4 storey mill building was demolished down to footplate level approximately 30 years ago.

The whole site comprises 2.79 hectares, and is in part previously developed land. The site lies within Countryside Beyond the Green Belt, as defined by the Macclesfield Borough Local Plan 2004.

The site adjoins the River Dane, a Grade 'A' Site of Biological Importance to the south and west. To the north lies a terrace of cottages within New Street, Havannah Village, beyond which is a relatively modern housing estate and Havannah Primary School.

Havannah Lane is a by-way open to all traffic, which links into the modern housing estate to the north of the site. The site is considered to be in a reasonably sustainable location, with access to public transport and local amenities, including 2 schools and a shop.

DETAILS OF PROPOSAL

This is a Reserved Matters planning application for erection of 35 dwellings. It is a resubmission of previously withdrawn application 10/4697M.

Outline planning permission was granted on appeal in April 2010 for residential development of up to 35 dwellings plus a 60 bed care home (ref. 09/0807M). A subsequent application to vary the scale parameters set out in the conditions of the outline approval was approved in April 2011 (application 10/3486M). This approval replaces the 2009 consent, and is now the parent consent to which this reserved matters application relates.

This reserved matters application is for the 35 dwelling houses only with the care home element not being applied for under the terms of this application.

Access to the site will be as previously approved from Havannah Lane which will be improved through the provision of passing places and surfaced to adoptable standard. A footway will be provided along the length of Havannah Lane.

The principle of the development has already been established, therefore the only matters for consideration are appearance, layout, landscaping and scale of the dwellings, and how they would fit within the site and surroundings.

The proposals also include parking, and public open space, including a LEAP and upgrading of a number of public footpaths in the vicinity of the site.

A Unilateral Undertaking is attached to the application 10/3486M (the outline approval for which this application seeks to discharge the reserved matters upon), which covers a range of matters including:

- Provision of formal and informal play (including the provision and management of toddlers play area, including equipment)
- Public open space, subject to the establishment of a management agreement in order to oversee the future maintenance of this land
- Highway works relating to the upgrading of Havannah Lane; provision of a public footpath along the length of the road and upgrading of other footpaths crossing the site
- Provision of 11 affordable houses
- Habitat/landscape management plan
- Management and planting of woodland areas
- Provision of a travel plan
- Management plan for on & off site SBI works

RELEVANT HISTORY

- 10/4697M Reserved Matters approval for the erection of 35 dwellings with associated parking, open space and landscaping. (Outline application (09/0807M) allowed on appeal 01/04/2010; appeal reference APP/R0660/A/09/2114252).
Withdrawn 18/01/11
- 10/3486M Removal/variation of conditions 5 and 6 on application 09/0807M - Outline application for residential development including a care home
Approved with conditions 21/04/11
Unilateral Undertaking attached
- 09/0807M Outline application for residential development including a care home (class C2)

Refused 29/07/09 (Member over-turn)
Allowed on appeal (APP/R0660/A/09/2114252) 01/04/10
- 01/0908P Conditional permission granted for replacement warehouse, extension of storage compound and erection of additional warehouse
Not implemented
- 58100P Outline permission refused for cessation of industrial use demolition of factory proposed residential development incorporating improvements to Havannah lane sewage treatment and other improvements.
October 1989
- 79093P Positive Certificate granted for the Lawful Existing Use for continued use of recycling of scrap plastics and plastics textile material. There are no conditions attached to this certificate which limit this use or the hours which the premises could operate.
June 1995

POLICIES

Regional Spatial Strategy

- DP1 (Spatial Principles)
DP2 (Promote Sustainable Communities)
DP4 (Make the Best Use of Existing Resources & Infrastructure)
DP5 (Manage Travel Demand, Reduce the Need to Travel & Increase Accessibility)
DP7 (Promote Environmental Quality)
DP9 (Reduce Emissions and Adapt to Climate Change)
RT2 (Managing Travel Demand)
EM1 (Integrated Enhancement and Protection of the Region's Environmental Assets)
EM2 (Remediating Contaminated Land)
EM5 (Integrated Water Management)
EM18 (Decentralised Energy Supply)
MCR3 (Southern Part of the Manchester City Region)
L2 – Understand Housing Markets

L4 – Regional Housing Provision

Cheshire Replacement Waste Local Plan (Adopted 2007)

Policy 11 (Development and waste recycling)

Local Plan Policy

BE1 (Design Guidance)
DC1 (Design New Build)
DC3 (Amenity)
DC6 (Circulation and Access)
DC8 (Landscaping)
DC9 (Tree Protection)
DC38 (Space, Light and Privacy)
DC63 (Contaminated Land including Landfill Gas)
GC6 (Countryside beyond the Green Belt)
H1 (Phasing Policy)
H2 (Environmental Quality in Housing Developments)
H5 (Windfall Housing Sites)
H8 & H9 (Affordable Housing)
NE7 (Retain and enhance existing woodland)
NE9 (River Corridors)
NE11 (Nature Conservation)
NE12 (Sites of Biological Importance)
RT5 (Provision of Open Space)
RT8 (Provision of informal access to the countryside)
T2 (Transport)

Other Material Considerations

National planning guidance in the form of PPS1: Delivering Sustainable Development, PPS3: Housing and PPS9: Biodiversity and Geological Conservation, PPG13 Transport and the former Macclesfield Borough Council Saved Policies Advice Note are also of relevance to the consideration of this proposal.

CONSULTATIONS (External to Planning)

Strategic Manager (Highways) : This reserved matters application follows the highway layout submitted as part of the outline application and there are no highway objections to the detailed road layout submitted.

Environmental Health: The application area has a history of use as a Mill and therefore the land may be contaminated. The proposal is for new residential properties which are a sensitive end use and could be affected by any contamination present. As such, and in accordance with PPS23, conditions are recommended in respect of site remediation works.

Crime Reduction Unit: Concerns are raised about this site. It has been an anti-social behaviour hotspot for a number of years since the factory has been derelict.

As a result of this, some reservations are raised about a toddler play area being included within the development as history has shown that this will become a magnet for further anti social behaviour.

(It should be noted that the Toddler's Play area was previously approved at appeal)

Sustrans: We would like to see the development make a contribution to the improvement of the walking/cycling network in the vicinity of the site, on the north side of Congleton.

VIEWS OF THE PARISH / TOWN COUNCIL

The views of Eaton Parish Council are awaited, but are important in the consideration of this application. They will form part of the Update report.

OTHER REPRESENTATIONS

Three representations have been made to date; the following comments have been made:

- It is important to retain the Leyland Cypress and fence opposite New Street cottages, to prevent overlooking and reduce noise emissions. A condition should be attached to any Reserved Matters approval to require its retention.
- The hedge on New Street adds character to the village and should be retained.
- Concerns are raised about installing railings to the private grade II Listed Bridge, they are considered incongruous and out of character
- Drainage concerns, as a culvert and foul drainage pass under plots 13,14, &15
- If the existing foul drainage from New Street is connected to foul drainage on site and is adopted by United Utilities, they would impose a sewerage charge which the existing Havannah residents have never had.
- This proposal appears to feature a river side walk in field adjacent to where houses are to be built. This suggests that the floodplain area will be open to public access. This is not compatible with our rights as fishery owner

APPLICANT'S SUPPORTING INFORMATION

- Design and Access Statement
- Climate Change Statement
- Renewable Energy Calculation
- Waste Management Plan
- Geo-environmental site assessment
- Remediation Strategy and Material Management Plan
- Specification for tree works
- Drainage report

- Construction Methodology Statement
- Management plan for on site SBI and open space
- Management plan for off site SBI
- Interim travel plan
- Proposed toddlers play area Management proposals

OFFICER APPRAISAL

Principle of Development

The principle of residential development of the site for 35 dwellings and a 64 bed care home was established in April 2009, when application 09/0807M was allowed on appeal. This also granted permission for the means of access to the site.

As such, it is only necessary for the following matters to be considered under the terms of the application: the layout, scale, appearance and landscaping of the dwellings, and how the dwellings would fit within the site and surroundings.

Consideration of objections

- The request for the retention of the Lleylandi hedge is noted, but this would segregate the development from New Street. The replacement landscaping provides for more appropriate native species and incorporates replacement planting which will enhance the character of the area.
- Any railings to a Listed Building will require Listed Building Consent, which would be considered independently of this application.
- A detailed drainage scheme has been submitted with this application, clearly indicating how the site will be drained. Drainage issues will be fully considered under Building Regulations.
- The proposed footpath, through the Public Open Space is some distance from the River Dane and adjoining fishery. The use of footpath is not considered to disturb the fishery users or the flora or fauna in the area.

Consideration of the proposals

The site is currently occupied by a number of disused buildings, which have been vacant for approximately five years. The buildings are unsightly and appear out of context within this Village setting. Surrounding the buildings is a large expanse of hard-standing, formerly used for lorry parking and storage. Much of the site is enclosed with galvanised steel palisade fencing which gives the site an unattractive appearance. Since the closure of the factory, the Crime Reduction Unit has identified this site as a hotspot for anti-social behaviour.

Historically the site was occupied by three traditional mill buildings and over 70 houses, and together with the former mill workers cottages on New Street the area was collectively known as Havannah Village.

This proposal gives the opportunity to return the area to residential use, which is considered more appropriate.

Layout and Scale

Scale parameters were set by the Inspector as part of the original outline approval, condition 5 specifically permitted two, three and four bedroom houses. This included some three storey dwellings.

An indicative site layout plan was submitted with the outline application, which gave a likely site layout, given the constraints on site. The site layout plan submitted with this reserved matters application is not unlike the approved plan, with the exception of plots 27-31.

Following the approval of the outline application, the developers identified a need to amend a number of the scale parameters and make some alterations to the layout, these included the removal of the three storey properties and minor alterations to the previously identified parameters.

An application was approved to vary conditions 5 and 6 of the outline permission (ref. 10/3486M). This application included an indicative layout plan illustrating how the applicant was to develop the site, including detail of parking provision and open space incorporating a village green and children's play area (LEAP). The indicative layout plan approved as part of application 10/3486M is similar to the plan submitted with this application.

Generally, the houses are well spaced, and all benefit from off-street parking and have an adequately sized garden. There are some pinch points on site, there is only 12 metres between the rear elevation of both plots 32 and 34, due to the positioning of plot 33, also plots 26 & 27 are very close to the southern boundary.

During the life of the application, a minor revision was made to the site layout to re-orientate the positioning of plot no. 23 to overcome overlooking issues between plots 22 and 23. As these properties are located to the rear of the site, (backing onto the public footpath) and this amendment is not considered to affect any near-by properties, the revision has not been advertised.

Whilst some of the houses do not fully comply with the space standards set out within policy DC38 of the Local Plan, the layout is considered to be commensurate with the housing in the surrounding area.

The proposed house types comprise of a mix of 2 and 3 bedroom terraced houses replicating the arrangement of the adjacent cottages on New Street, a pair of 3 bedroom semis and 4 bedroom detached houses. This is considered to provide a good housing mix, and will contribute to wider housing market.

The properties are all two-storey, 33 of the 35 dwellings have a ridge height of 8.2m or less, with the remaining 2 units having a ridge height of 8.7m. The two taller properties (Bridewell) are located on the southern (rear) boundary, and are considered to be acceptable.

Appearance

The proposed houses have been designed in a traditional manner, taking the design of the local houses into consideration. The houses will compliment each other, and will not appear out of character with the adjoining properties.

The properties are all two-storey and will be fabricated in a traditional red brick with grey tiled roofs. The windows will be white, and the fascias and gutters will be black, as is demonstrated on the street scene elevations.

In order to comply with condition 18 on the outline approval, the dwellings have to be built in a highly energy efficient manner. An Energy Compliance Certificate and Climate Change Statement have been submitted with the application, which shows how the development will achieve minimum energy savings of 10% improvement upon baseline Building regulation compliant design. Features to achieve this include use of high levels of thermal insulation, energy efficient appliances and solar water heating to some units.

The proposals are considered to comply with policies BE1 & DC1 of the Local Plan, in respect of scale and design.

Landscaping

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site.

The development is set within a landscaped setting and existing features are utilised to enhance the character and appearance of the development in accord with development plan policies. The proposals include the protection and enhancement of existing features, and enhancement of the adjacent SBI.

The views of the Landscape Officer are awaited, and are important in the consideration of this application. These will form part of the Update Report.

Ecology

The proposed development is adjacent to the River Dane, Site of Biological Importance (SBI). As part of the landscaping scheme for the proposed development, management is proposed for the 'on site' SBI. In addition management is also proposed for an additional 'off site' SBI. An acceptable management plan has been submitted in respect of the 'off-site' SBI.

The proposed management plan will enhance the status of both of these designated sites, and therefore the proposal is considered to comply with policies NE7, NE9, NE11 & NE12.

It is considered that the SBI can be adequately protected via the imposition of conditions concerning:

- Protection of breeding birds
- Provision of features for breeding birds and roosting bats
- Protection of SBI during construction phase

- Submission and implementation of a 10 year management plan for on-site SBI
- Implementation of management of off-site SBI

CONCLUSIONS AND REASON(S) FOR THE DECISION

The principle of residential development has already been established at this site under application 09/0807M. The only areas for consideration are now the layout, scale, appearance and landscaping, and how the proposed dwellings relate to the surrounding area.

As part of the original application, an illustrative site plan was submitted and approved, which showed an indicative site layout for 35 dwellings. Following on from this, an application was submitted to vary conditions 5 & 6 on the outline approval, to alter the scale parameters. This application 10/3486M was also accompanied by an illustrative site layout plan, which was also approved. The site layout proposed in this application is similar to the one approved under 10/3486M, it proposes 35 No. two storey, two, three and four bedroom dwellings, a Village Green and a large area of Public Open Space, and a LEAP (Local Equipped Area for Play), in this case, an equipped toddler's play area.

The site layout is considered well organised and efficient in density terms, each dwelling has off-street parking and a private garden, and each dwelling is considered to be adequately spaced from its neighbours. In addition, the dwellings fronting onto New Street will add to passive surveillance for the area and the By-way generally. The request for the retention of the Lleylandi hedge is noted but this would segregate the development. The replacement landscaping provides for more appropriate native species and incorporates replacement planting which will enhance the character of the area.

All of the dwellings comply with the established scale parameters as set out by condition 6 under application 10/3486M. The dwellings are all two storey, the majority of which have a ridge height of 8.2 metres or less. The dwellings are to be fabricated in a traditional brick, with grey tiled roof. It is considered that the scale and external appearance of the dwellings is in keeping with the character of the area.

The proposed development proposes extensive areas for landscaping, specifically, a Village Green, an area of Public Open Space adjacent to the River Dane, and around the perimeter of the site. A Landscape Management Plan has been received. Whilst the views of the Landscape Officer are awaited, it is not anticipated that there will be any issues of landscape design or management that could not be adequately resolved.

The proposed residential layout is considered to address the matters reserved by the original outline permission and comply with National, Regional and Local planning policies.

Accordingly, a recommendation of approval is made.

Application for Reserved Matters

RECOMMENDATION: Approve subject to following conditions

1. A02RM - To comply with outline permission

2. A05RM - Time limit following approval of reserved matters
3. A01AP - Development in accord with approved plans
4. A05EX - Details of materials to be submitted
5. A04LS - Landscaping (implementation)
6. A01GR - Removal of permitted development rights
7. Submission of an updated Remediation Statement, prior to the commencement of development
8. External Lighting- submission of details



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Application No: 11/1912M

Location: LAND AT, NORBURY'S YARD, KNUTSFORD

Proposal: Extension to Time Limit - 08/0175P (Demolition of various storage buildings and structures and the erection of 14 residential units)

Applicant: Hillcrest Homes Ltd

Expiry Date: 23-Aug-2011

Date Report Prepared: 7th July 2011

SUMMARY RECOMMENDATION	Approve subject to conditions and a S106 Agreement
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MAIN ISSUES

- Whether there has been a significant change in circumstances or policy since the original grant of permission for 08/0175P.
- Whether there is sufficient information submitted to enable an extension of time to the original full permission 08/0175P to be granted.

REASON FOR REPORT

The proposed development is for 14 dwellings, therefore, in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

Norbury's Yard comprises of an irregular shaped piece of land extending to 0.22 hectares. It is situated to the rear of King Street, which is located to the west of the site and is bounded by Church Walk to the south and east. The site currently contains a number of buildings, some of which are proposed to be demolished. Two existing dwellings (built circa 1820) within the site are to be retained. Part of the site currently appears to be used for parking. The site lies within the Knutsford Town Centre Conservation Area, adjacent to The Moor, an existing area of open space.

DETAILS OF PROPOSAL

This is an application for an extension in time to planning permission granted under reference 08/0175P. The full permission granted consent for demolition of various storage buildings and structures and the erection of 14 dwellings. The application was determined on 9th June 2008.

The current application (received on 24th May 2011) was received whilst the original application was an extant permission. Whilst the guidance advises Applicants not to leave

their applications to the last minute, it remains clear that this application was submitted in time and therefore, it should be determined as a valid application.

The original committee report which was considered by the former Macclesfield Planning Committee on 27th May 2008, is attached to this report as Appendix 1.

SCOPE OF THIS APPLICATION

Extensions to the time limits for implementing existing planning permissions were brought into force on 1 October 2009. The new system was introduced in order to make it easier for developers to keep planning permissions alive for longer during the economic downturn. It includes provisions for a reduced fee and simplified consultation procedures.

As a matter of law the Northern Planning Committee decides applications afresh: resolutions which vary from previous decisions may be justified by change of circumstances, or of weight. For this type of application, the Government's advice is for Local Planning Authorities to take a positive and constructive approach towards applications that improve the prospects of sustainable development being brought forward quickly. The development proposed will, by definition, have been judged acceptable in principle at an earlier date. It is the Government's advice that Local Planning Authorities should only look at issues that may have changed significantly since that planning permission was previously considered to be acceptable in principle.

In short, it is not intended that Local Planning Authorities should re-open debates about principles of any particular proposal, except where material circumstances may have significantly changed, either in local plan policy terms or in terms of national policy or other material considerations.

RELEVANT HISTORY

10/4764M - Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses – Withdrawn 22.03.11

10/4758M - Demolition of various storage buildings and structures (Conservation Area Consent) – Withdrawn 22.03.11

08/0175P – Demolition of various storage buildings and structures and the erection of 14 residential units – Approved 09.06.08

08/0169P - demolition of various storage buildings & structures (Conservation Area Consent) – Approved 09.06.08

04/1355P - Demolition of various storage buildings and walls (resubmission of planning application 03/2396P) (Conservation Area Consent) - Refused 02.08.04 - Appeal Dismissed 11.04.05

04/1360P - Erection of 19 apartments in 2 three-storey blocks with additional roofspace accommodation and associated car parking (resubmission of planning application 03/2370P) (Full Planning) - Refused 02.08.04 – Appeal Dismissed 11.04.05

03/2396P - Demolition of various storage buildings (Conservation Area Consent) - Refused
20.11.03 – Appeal Dismissed 08.12.04

03/2370P - Erection of two three-storey blocks containing 21 apartments and associated car
parking (Full Planning) – Refused 19.11.03 - Appeal Dismissed 08.12.04

POLICIES

Regional Spatial Strategy

Relevant Policies consist of the Regional Spatial Strategy Policies DP1 (Spatial Principles), DP5 (Managing Travel Demand), DP6 (Maximising Opportunity and Need), DP7 (Promoting Environmental Quality), and EM1 (Enhancement and Protection of the Region's Environmental Assets).

Local Plan Policy

Environment

NE11 – Nature Conservation

NE12 – Sites of Special Scientific Interest

Built Environment

BE1 – Design

BE3 – BE5 – Conservation Areas

BE21 & BE24 - Archaeology

Development Control

DC1 – Scale and Design

DC3 – Amenity

DC5- Layout and Surveillance

DC6 - Circulation and Access

DC8 & DC37 – Landscaping

DC9 – Tree Protection

DC18 & DC20 – Water Resources

DC35 – Materials and Finish

DC36 – Road Layouts and Circulation

DC38 –Space, Light and Privacy

DC40 – Children's Play Provision and Amenity Space

Housing

H1 –Phasing Policy

H2 - Environmental Quality in Housing Developments

H5 – Windfall Housing Sites

H6 – Town Centre Housing

H13- Protecting Residential Areas

Transport

T1, T3, T4 & T5 – Integrated Transport

Knutsford Town Centre

KTC1, KTC2 – Conservation of the Historic Environment (Knutsford)
KTC4 – Importance of the skyline – especially when viewed from The Moor
KTC12 – Housing and Community Uses

In addition, the Supplementary Planning Guidance document on Section 106 Agreements is also of particular relevance.

Other Material Considerations

National Planning Guidance in the form of: -
PPS1: Delivering Sustainable Development
PPS3: Housing
PPS5: Planning for the Historic Environment
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

PPS5: Planning for the Historic Environment was published in March 2010. This scheme has been accompanied by a Heritage and Demolition Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

CONSULTATIONS (External to Planning)

The Development Control Archaeologist (from the Cheshire Archaeology Planning Advisory Service) comments that the site was subject to a programme of archaeological field evaluation in 2003, which demonstrated that significant archaeological deposits were not present within the application area. It was for this reason that further archaeological mitigation was not recommended with regard to the 2008 application and this remains the advice with regard to the proposed renewal of the planning consent.

Comments are awaited from the Strategic Highways Engineer, the Public Rights of Way Unit , Natural England , Leisure Services, Community Fire Protection Officer, Strategic Crime Reduction Officer, The Environment Agency, and the Environmental Health Officer,

Knutsford Town Council makes no objections to this application subject to neighbour's views.

OTHER REPRESENTATIONS

No representations had been received at the time of report preparation.

APPLICANT'S SUPPORTING INFORMATION

No supporting information submitted.

OFFICER APPRAISAL

MATERIAL CHANGES IN POLICY AND MATERIAL CHANGES IN CIRCUMSTANCES SINCE THE SCHEME WAS ORIGINALLY GRANTED PERMISSION

There are not considered to be fundamental changes in policy or other important material considerations since the original application was determined in 2008.

Application 08/0175P was considered under the SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note". This was replaced by the guidance contained within the "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other guidance in PPS3. In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives *(does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration)*
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people *(does the application meet the housing needs of the area and/or provide affordable housing)*
3. The suitability of a site for housing, including its environmental sustainability *(is the site in a suitable and sustainable location, is it previously developed land, what constraints exist)*
4. Using land effectively and efficiently
5. Achieving high quality housing *(is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity)*

In this case it is considered that the proposal broadly complies with the five listed criteria. The site is considered to be in a suitable and sustainable location. It is a previously developed site, within an area surrounded by housing, which is within walking distance of public transport links and to services. The scheme achieves high quality housing in a town centre location.

IMPACT UPON PROTECTED SPECIES

Natural England and the Council's Nature Conservation Officer raised no objections in principle to the original scheme, subject to measures to ensure that there is no contamination of the River Lily. Ecological surveys have been provided in respect of the latest Full Planning application (11/1992M) and the proposed development should not impact on the nearby Tatton Mere SSSI, provided satisfactory measures to prevent surface water and groundwater contamination are enforced.

The Council's Nature Conservation Officer has assessed the submitted bat survey, and notes it was undertaken by a suitably qualified and experienced ecological consultant. No evidence of roosting bats was recorded during this survey and therefore, protected species do not present a constraint upon the proposed development.

The comments made by Natural England in relation to the Tatton Mere Ramsar site and Tatton Mere Sites of Special Scientific Interest are noted and suitable conditions can be

attached to ensure that there is no contamination of the Tatton Mere, the SSSI's and the River Lily during construction.

The Nature Conservation Officer is satisfied that the approach taken is unlikely to impact on European Protective Species, therefore, the tests of the Habitat Regulations and EC Directive are not engaged in this case.

OTHER CONSIDERATIONS

It is noted that no comments have been received from any local residents to date. The scheme which was approved under application 08/0175P was considered to be acceptable on its merits and full consideration to all the relevant planning matters. It is not considered that it would be appropriate to re-open the debate about the principles of the proposal as material circumstances do not appear to have significantly changed

The comments from consultees are noted.

Formal comments are awaited from the Strategic Highways Engineer, the Public Rights of Way Unit, Natural England, Leisure Services, Community Fire Protection Officer, Strategic Crime Reduction Officer, The Environment Agency, and the Environmental Health Officer. It is anticipated that no new issues will be raised for the extension of time application.

CONCLUSIONS AND REASON FOR THE DECISION

There are no objections to an extension of time for the implementation of this permission for a further three years. The site is to be used for residential purposes in what is a highly sustainable location. The proposals comply with the policies of the Macclesfield Borough Local Plan and previous permissions for the site. The proposals will provide good benefits in relation to walking and cycling.

There have been no material changes in circumstances since application 08/0175P was granted, which would warrant a refusal of this application for an extension in time for the implementation of the permission. A recommendation of approval subject to conditions and a Section 106 Agreement is therefore made.

HEADS OF TERMS

The Heads of Terms for this extension of time application take account of planning gain secured under the 2008 planning. Therefore, the contributions required are as follows: -

- Provision of a commuted sum for public open space (£48 000) and recreation and outdoor sports facilities (£10 500). Both these sums would be used for improvements, additions and enhancements at The Moor.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the s106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and

(c) fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 14 dwellings, the occupiers of which will use local facilities as there is minimal open space on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The financial contribution towards community facilities is necessary, fair and reasonable, as the additional number of residents to the town would put pressure on the existing facilities, and as a result these facilities will need to be upgraded/replaced to meet growing demands.

All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Extension to Time Limit

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22EX - Roofing material
5. A23EX - Roof ridges
6. A21EX - Roof lights set flush
7. A10EX - Rainwater goods
8. A13EX - Specification of bonding of brickwork
9. A12EX - Fenestration to be set behind reveals
10. A20EX - Submission of details of windows
11. A18EX - Specification of window design / style
12. A11EX - Details to be approved
13. A25GR - Obscure glazing requirement
14. A02HA - Construction of access
15. A03HA - Vehicular visibility at access (dimensions)
16. A06HA - Pedestrian visibility at access in accordance plans to be approved
17. A07HA - No gates - new access
18. A12HA - Closure of access
19. A13HA - Construction of junction / highways

- 20.A15HA - Construction of highways - submission of details
- 21.A18HA - Construction of footways
- 22.A24HA - Provision / retention of service facility
- 23.A26HA - Prevention of surface water flowing onto highways
- 24.A30HA - Protection of highway from mud and debris
- 25.A32HA - Submission of construction method statement
- 26.A01HP - Provision of car parking
- 27.A07HP - Drainage and surfacing of hardstanding areas
- 28.A09HP - Pedestrian visibility within car parks etc
- 29.A12MC - No lighting
- 30.A17MC - Decontamination of land
- 31.A01LS - Landscaping - submission of details
- 32.A04LS - Landscaping (implementation)
- 33.A12LS - Landscaping to include details of boundary treatment
- 34.A23MC - Details of ground levels to be submitted
- 35.A01GR - Removal of permitted development rights
- 36.A22GR - Protection from noise during construction (hours of construction)
- 37.A23GR - Pile Driving
- 38.Surface water drainage system
- 39.Additional plans regarding levels, details of construction over the River Lily & surface water drainage
- 40.Protection of River Lily during construction
- 41.Provision of public access through the site including provision of a pedestrian bridge over the River Lily



APPENDIX 1

PREVIOUSLY APPROVED COMMITTEE REPORT TO APPLICATION FROM 2008

Application No: 08/0175P

Location: LAND AT, NORBURYS YARD, KNUTSFORD, CHESHIRE
Proposal: DEMOLITION OF VARIOUS STORAGE BUILDINGS AND
STRUCTURES AND THE ERECTION OF 14 RESIDENTIAL UNITS.

For HILLCREST HOMES

Registered 10-Mar-2008
Policy Item Yes
Grid Reference 375385 378522

DATE REPORT PREPARED

14 May 2008.

POLICIES

The site lies within Knutsford Town Centre, within the Conservation Area. The site is designated as a predominantly residential area and as an area of archaeological importance on the Local Plan. A number of listed buildings are located on King Street to the west of the site.

Structure Plan policies R1, GEN1, GEN3, HOU1, HOU2, HOU3 and T7 and Local Plan policies NE11, BE1, BE2, BE3, BE24, H1, H2, H5, H6, H8, H9, H13, T1, T3, T4, T5, KTC1, KTC2, KTC4, KTC12, DC1, DC2, DC3, DC5, DC6, DC8, DC18, DC20, DC35, DC36, DC37, DC38, DC40 are considered relevant to this application.

The Council's SPG's on Restricting the Supply of Housing and on Planning Obligations are of particular relevance as is PPS3 – Housing and PPG15 – Planning and the Historic Environment. Additionally the draft RSS for the North West published in March 2008 is also of relevance.

RELEVANT PREVIOUS APPLICATIONS

04/1355P

Conservation Area Consent

DEMOLITION OF VARIOUS STORAGE BUILDINGS AND WALLS (RESUBMISSION OF
PLANNING APPLICATION 03/2396P) (CONSERVATION AREA CONSENT)

LAND TO REAR OF KING STREET ADJACENT TO CHURCH WALK, KNUTSFORD

refused 02.08.04 APP/C0630/E/04/1163967 Dismissed 11.04.05

04/1360P

Full Planning

ERECTION OF 19 APARTMENTS IN 2 THREE-STOREY BLOCKS WITH ADDITIONAL ROOFSPACE ACCOMMODATION AND ASSOCIATED CAR PARKING (RESUBMISSION OF PLANNING APPLICATION 03/2370P)

LAND TO REAR OF KING STREET/ADJACENT TO CHURCH WALK KNUTSFORD
refused 02.08.04 APP/C0630/A/04/1163963 Dismissed 11.04.05

03/2396P

Conservation Area Consent

DEMOLITION OF VARIOUS STORAGE BUILDINGS (CONSERVATION AREA CONSENT)

LAND AT REAR OF KING STREET AND CHURCH WALK KNUTSFORD

refused 20.11.03 APP/C0630/A/04/1147406 Dismissed 08.12.04

03/2370P

Full Planning

ERECTION OF TWO THREE-STOREY BLOCKS CONTAINING 21 APARTMENTS AND ASSOCIATED CAR PARKING.

LAND TO REAR OF KING STREET ADJACENT TO CHURCH WALK KNUTSFORD

refused 19.11.03 APP/C0630/A/04/1147401 Dismissed 08.12.04

CONSULTATIONS

Highways - This application follows on from earlier applications and appeals and as with these earlier schemes, there are no highway objections to the development subject to the imposition of conditions. As with the earlier submissions, the developer will need to become involved with the Environment Agency and the National Rivers Authority in connection with the physical works adjacent to or associated with the River Lily and the vehicular and pedestrian means of access to this site. Similarly, detailed working drawings will need to be prepared and submitted to the Local Planning Authority, and agreed with the Highway Authority, regarding the means of vehicular access and levels, construction specifications, structural calculations etc prior to the commencement of any works on site.

A Section 278 Agreement under the Highways Act will need to be entered into by the developer in connection with that parcel of land between the two vehicular access points being constructed as indicated on the submitted plans, for the proposed footway and landscaping.

Discussions have taken place with the Applicant's Agents regarding revised plans for the internal parking layout (spaces R11 - R15) and a satisfactory plan has been agreed.

Knutsford Town Council - no objection in principle subject to suitable limited hours of construction and views of the Highways Department.

Conservation – notes that this is a sensitive location. Of the buildings present now and to be demolished, only one is of any interest but given the wider benefits of redeveloping this site have taken the view that it is not of a quality so high that it should frustrate the scheme as a whole.

Scale of the buildings is acceptable, seen against the higher backdrop of the three-storey Eighteenth Century buildings on King Street. Care has also been taken to avoid

overwhelming the neighbouring Harding Watt tower house on Moorside. Design is conservative, but clearly of its time, with a nod towards the Arts and Crafts. Materials are muted and respectful of context. Quite happy to endorse the approach taken subject to conditions.

Leisure Services - the development is not providing and is unsuitable for the provision of on site open space and recreation and outdoor sports facilities. Therefore in accordance with the Local Plan and the SPG on Planning Obligations, a commuted sum for the offsite provision of Public Open Space and Recreation / Outdoor Sports Facilities will be required. Community Leisure is also concerned about the impact of the development on the adjacent park.

Environmental Health – note that the area has a history of use as a Smithy and therefore the land may be contaminated. Recommend a condition requiring a contaminated land report to be carried out.

Nature Conservation – site is adjacent to the River Lily that flows into Tatton Mere SSSI. In order to avoid contamination of the river and hence the SSSI a method statement is required to show how waste water and other contamination will be dealt with during the construction phase. It should include methods of controlling sediment, waste water and construction run off.

English Heritage – recommend that the application be determined in accordance with national and local policy guidance and on the basis of the Council's specialist conservation advice.

Natural England – do not object subject to a condition preventing contamination of the River Lily during the demolition/construction phase of the development.

United Utilities – no objection in principle. However, note that there is a section of sewer under Block 1 and this will either need to be diverted or stopped/grouted up.

Public Rights of Way – have consulted the Definitive Map and can confirm that the development does not appear to affect a public right of way. A recent claim for a public right of way across the site has been rejected.

Environment Agency – comments awaited.

PUBLICITY

Press advert, site notices posted and nearby neighbours notified with a last date for comments of 23 April 2008.

REPRESENTATIONS

To date, 3 letters of representation have been received, 2 from owners/occupiers of properties on King Street and one from the local Ward Member, Cllr Davies.

One resident of King Street whose property backs onto the site makes the following points.

- Concerned that the height of block 2 which will back onto and overlook No. 7 King Street is too high/tall
- Existing buildings at No.s 1-13 King Street will effectively become a traffic island
- Consider that some of the proposed parking should be allocated to residents of No.s 1-13 King Street
- Overall plan for the project appears to be satisfactory with the exception of points made above
- Shame that use of existing buildings by the current tenants and businesses will be disrupted

The other occupier of King Street is keen to ensure that rear access will be maintained to properties on King Street.

Cllr Davies had a number of queries regarding the proposed development and is particularly concerned to ensure that parking and access arrangements to the development are satisfactory.

APPLICANTS SUBMISSION

A Planning Statement, Design & Access Statement, an Archaeological Building Assessment Report and Archaeological Evaluation Report have been submitted in support of the application. Full copies of these are available on the application file. In summary the following conclusions are made.

- The application site is suitable for housing and is in a highly sustainable location
- The proposal makes excellent use of previously developed land being developed at 64 dwellings to the hectare
- This is a prominent site and its development would have huge benefits to the visual appearance of Knutsford
- The site would provide an important public right of way linking the town centre with the Moor
- The site would provide a mix of dwelling types in a town centre location
- The site complies with all relevant policies in the local plan
- The proposal is an extremely attractive scheme which respects and compliments the viability and vitality of the historic conservation area whilst significantly regenerating the appearance of a neglected part of the town centre
- There are no traces of any timber framed buildings making up the small range of buildings to be demolished
- Due to the low level of archaeology identified, the possibility of encountering significant archaeological deposits during redevelopment can be considered low

KEY ISSUES

Norburys Yard comprises of an irregular shaped piece of land extending to 0.22 hectares. It is situated to the rear of King Street, which is located to the west of the site and is bounded by Church Walk to the south and east. The site currently contains a number of buildings, some of which are proposed to be demolished. Two existing dwellings within the site are to be

retained. Part of the site currently appears to be used for parking. The site lies within Knutsford Town Centre, adjacent to The Moor, an existing area of open space.

Planning permission is being sought for the redevelopment of the site to form 14 residential units with associated parking, this is in addition to the existing 2 three-storey dwellings which are to be retained. A parallel application for Conservation Area Consent has also been submitted (08/0169P) and this is dealt with elsewhere on this agenda. The units comprise 7 x 3 bedroom townhouses, 4 x 3 bedroom duplex apartments and 3 x 2 bedroom duplex apartments. The units range in size from 85 m² to 167m². The development forms two blocks of apartments and townhouses comprising two and three storeys with some living accommodation provided in the roofspace. Block 1 would provide 6 residential units, with Block 2 providing 8 units. The proposal makes provision for car parking for the proposed residents (17 spaces) and for the existing residents on King Street (21 spaces).

The key issues to be addressed are how the proposal relates to the previous proposal dealt with on appeal and whether it complies with the emerging changes to housing policies. It is not considered relevant to consider issues such as siting, design, appearance, relationship to nearby properties and highways and parking except where such details differ from the scheme previously dealt with on appeal.

SITE HISTORY

As previously stated, in August 2004 planning permission was refused for the erection of 19 apartments in two three-storey blocks. The reasons for refusal were that approval of the proposal would lead to an over supply of housing contrary to the Council's Restrictive Housing Policy and that the proposed development would provide inadequate levels of private open space. This refusal was subsequently appealed and the appeal was dismissed solely on the grounds of over supply of housing. With regard to amenity space, the Inspector concluded that given the nature of the accommodation proposed, its location within a town centre and its proximity to the Moor the limited amount of open space on the site would not seriously compromise the living conditions of future occupants noting that prospective purchasers would note these factors before purchasing. The parallel application for Conservation Area Consent was refused and dismissed on appeal due to the absence of an acceptable scheme for replacement development.

CURRENT PROPOSAL

This application differs to that previously refused and dismissed on appeal in that it is now proposed to provide 14 new units of residential accommodation, most of which now provide 3 bedrooms (the previous scheme was a mix of 1 and 2 bedroom apartments). The siting and design of the new buildings are broadly as previously submitted with a number of minor amendments to fenestration, balconies, parking and layout/landscaping. None of these changes are considered to raise significant new issues.

RELEVANT PLANNING POLICY

As Members are aware, in 2003 the Council introduced a Restrictive Housing Policy and this currently remains in place and prevents the approval of new housing unless it falls within one of the listed exceptions categories, none of which apply in this case. However, as outlined in

the previous report, the Council is currently reviewing its housing policy following the publication of the Secretary of States proposed changes to the draft Regional Spatial Strategy for the North West in March 2008. A report on the supply of housing is being presented to the Environment Policy Development Committee on 15 May and Cabinet on 20 May 2008. The report requests that Committee recommends to the Cabinet that they approve the replacement of the SPG Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note".

The Advice Note is based on a list of 5 criteria outlined in PPS3 which planning authorities should have regard to when deciding planning applications for new housing and on the Council's saved policies and other guidance in PPS3.

In summary, the Advice Note states that planning applications for new housing should meet the following criteria.

1. Ensuring the proposed development is in line with planning for housing objectives, reflecting the need and demand for housing in the area and does not undermine wider policy objectives *(does the application accord with the housing objectives of the Borough and wider policy objectives e.g. affordable housing and urban regeneration)*
2. Ensuring developments achieve a good mix of housing reflecting the accommodation requirements of specific groups, in particular, families and older people *(does the application meet the housing needs of the area and/or provide affordable housing)*
3. The suitability of a site for housing, including its environmental sustainability *(is the site in a suitable and sustainable location, is it previously developed land, what constraints exist)*
4. Using land effectively and efficiently *(is the density at least 30 dwellings per hectare)*
5. Achieving high quality housing *(is the site accessible to public transport and services, is the development well laid out, safe, accessible and user friendly, is there adequate open space and/or access to recreational open space, does the design complement/improve the character of the area, is the car parking well designed and integrated, does the development enhance biodiversity)*

A checklist has been prepared that contains the summary checklist questions listed in the Advice Note. To check the sustainability of a particular development, developers will be invited to complete the checklist to assist in the appraisal of applications. The applicants have been invited to complete this checklist and any response received will be reported directly to Members.

In this case it is considered that the proposal broadly complies with the five listed criteria. Whilst no affordable housing is being provided, this is not required given the PPS3 minimum size threshold of 15 dwellings. The applicant's state that whilst they are supportive of the Council's policy of providing low cost affordable housing, in this instance based on fixed land costs and high development costs the incorporation of affordable housing is unviable. Discussions are taking place with the applicant to discuss the possibility of off-site provision of affordable housing as a contribution towards the areas affordable housing needs as an

alternative to on-site provision. Any progress on this will be reported. However, it is considered that the development will contribute to urban regeneration, as it will result in the re-development of a prominent site within a Town Centre location also within the Conservation Area. The scheme as now proposed would provide a mix of housing, both 2 and 3 bedroom apartments as well as 3 bedroom town houses. The site is considered to be in a suitable and sustainable location. It is a previously developed site within the town centre, within a predominantly residential area and is close to public transport links and to services. The density of the development exceeds 30 dwellings per hectare and it is considered that the scheme achieves high quality housing. The previous scheme on the site provided 19 dwellings on the site, which equated to 95 dwellings per hectare. The applicant's state that scheme would no longer be viable given changes in housing demand and increased building costs. Whilst there is limited open space provision within the site itself, it lies immediately adjacent to recreational open space on The Moor. Therefore this is considered acceptable subject to the applicant entering into a legal agreement requiring a commuted sum for the offsite provision of Public Open Space and Recreation / Outdoor Sports Facilities. This has previously been discussed with the applicant's who seem willing to enter into such an agreement with the Council.

Therefore, subject to Cabinet replacing the current SPG with the new guidance "PPS3 Housing and Saved Policies Advice Note", the proposal is considered to be in accordance with the Council's emerging housing policies and with national guidance in the form of PPS3 and the draft RSS.

With regard to the impact of the proposal on the character and appearance of the Conservation Area, as stated, this proposal is broadly the same as that previously considered on appeal where it was accepted that the proposal would enhance the character and appearance of the Conservation Area. As such no objections are raised on this basis. The Council's Conservation Officer is supportive of the scheme as he considers that it offers wide benefits.

In terms of amenity, the siting of the proposed new buildings are broadly as previously submitted and are no nearer to existing residential properties or to each other with the exception of a small section of the northern elevation of Block 1. However, the internal layout of the buildings has been amended, and there will therefore be a requirement to ensure that some windows within the development are obscurely glazed in order to protect the privacy of existing residential occupiers. This was the case with some windows in the previous scheme and subject to this, a reduction in the Council's normal space and privacy guidelines was accepted given the nature of the area. No further issues of amenity are therefore raised. Whilst the comments of the King Street resident are noted, for the reasons outlined above it is not considered that an objection can be raised on amenity grounds to the current proposal.

DESIGN

This application incorporates a number of relatively minor amendments to the previously submitted scheme, none of which are considered to compromise the overall design and appearance of the new buildings and the redevelopment of the site as a whole.

NATURE CONSERVATION FEATURES AND IMPLICATIONS

Natural England and the Council's Nature Conservation Officer raise no objections in principle to the scheme, subject to measures to ensure that there is no contamination of the River Lily.

HIGHWAY AND TRANSPORT IMPLICATIONS

No objections are raised from the Highways Authority subject to conditions and subject to agreement with the Highways Authority. At the time of the Committee site visit some concern was raised by Members with regard to the parking layout and to the operation of the parking spaces and access points, some of which would appear to be shared by residents of King Street and residents of the development. Discussions are currently taking place with the applicant's and the Highways Authority and any update on this will be reported to Members.

HEADS OF TERMS

The requirement for financial contributions for public open space and outdoor recreation facilities is under discussion with the applicant's agent. A S106 legal agreement will be required and should include:

- Provision of a commuted sum for public open space and recreation and outdoor sports facilities
- The Council's monitoring costs.

SUBJECT TO

Approval by Cabinet of the replacement of the SPG on Restricting the Supply of Housing with the new guidance "PPS3 Housing and Saved Policies Advice Note" and subject to the applicant entering into a S106 agreement requiring a commuted sum for off-site public open space and recreation and outdoor sports facilities.

Application for **Full Planning**

RECOMMENDATION : Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22EX - Roofing material
5. A23EX - Roof ridges
6. A21EX - Roof lights set flush
7. A10EX - Rainwater goods
8. A13EX - Specification of bonding of brickwork
9. A12EX - Fenestration to be set behind reveals
10. A20EX - Submission of details of windows

- 11.A18EX - Specification of window design / style
- 12.A11EX - Details to be approved
- 13.A25GR - Obscure glazing requirement
- 14.A02HA - Construction of access
- 15.A03HA - Vehicular visibility at access (dimensions)
- 16.A06HA - Pedestrian visibility at access in accordance plans to be approved
- 17.A07HA - No gates - new access
- 18.A12HA - Closure of access
- 19.A13HA - Construction of junction / highways
- 20.A15HA - Construction of highways - submission of details
- 21.A18HA - Construction of footways
- 22.A24HA - Provision / retention of service facility
- 23.A26HA - Prevention of surface water flowing onto highways
- 24.A30HA - Protection of highway from mud and debris
- 25.A32HA - Submission of construction method statement
- 26.A01HP - Provision of car parking
- 27.A07HP - Drainage and surfacing of hardstanding areas
- 28.A09HP - Pedestrian visibility within car parks etc
- 29.A12MC - No lighting
- 30.A17MC - Decontamination of land
- 31.A01LS - Landscaping - submission of details
- 32.A04LS - Landscaping (implementation)
- 33.A12LS - Landscaping to include details of boundary treatment
- 34.A23MC - Details of ground levels to be submitted
- 35.A01GR - Removal of permitted development rights
- 36.A22GR - Protection from noise during construction (hours of construction)
- 37.Surface water drainage system
- 38.Additional plans regarding levels, details of construction over the River Lily & surface water drainage
- 39.Protection of River Lily during construction
- 40.Provision of public access through the site including provision of a pedestrian bridge over the River Lily

Application No: 11/1992M

Location: NORBURY'S YARD, KNUTSFORD, CHESHIRE, WA16 6DR

Proposal: Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses. Identical submission to Withdrawn Applications (10/4764M and 10/4758M) on 22nd March 2011 (Full Planning Application)

Applicant: Hillcrest Homes

Expiry Date: 13-Sep-2011

Date Report Prepared: 8th July 2011

SUMMARY RECOMMENDATION

Approve subject to conditions and completion of a Section 106 Agreement

MAIN ISSUES

- Scale, design and layout of the development
- Impact on the character of the area
- Impact on the Knutsford Town Centre Conservation Area
- Impact on residential amenity
- Traffic generation and parking
- Impact on protected species

REASON FOR REPORT

The proposed development is for 11 dwellings, therefore in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

Norbury's Yard comprises of an irregular shaped piece of land extending to 0.22 hectares. It is situated to the rear of King Street, which is located to the west of the site and is bounded by Church Walk to the south and east. The site currently contains a number of buildings, some of which are proposed to be demolished. Two existing dwellings (built circa 1820) within the site are to be retained. Part of the site currently appears to be used for parking. The site lies within the Knutsford Town Centre Conservation Area, adjacent to The Moor, an existing area of open space.

DETAILS OF PROPOSAL

Planning permission is being sought for the redevelopment of the site to form 11 residential units with associated parking in a basement, this is in addition to the existing 2 no. three-storey dwellings which are to be retained. A parallel application for Conservation Area

Consent has also been submitted (11/1996M). The application follows a recently withdrawn application, which was withdrawn due to the requirements for an updated bat survey.

The units comprise 8 no. 4 bedroom 3 storey townhouses, 2 no. 5 bedroom 3 storey townhouses and 1 no. 3 bedroom 2 storey dwelling. The two existing dwellings to the rear of no 19 King Street are proposed to be retained. The proposal makes provision for car parking in the basement for the proposed residents (45 spaces) and this would be accessed by way of a ramp which would be to the east of the site (off Church Walk). Access is also proposed to an area of open space and service/turning area to the rear of 19 King Street, and to provide access to the 2 dwellings which are proposed to be retained. This access would run to the rear of 1-19 King Street.

RELEVANT HISTORY

10/4764M - Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses – Withdrawn 22.03.11

10/4758M - Demolition of various storage buildings and structures (Conservation Area Consent) – Withdrawn 22.03.11

08/0175P – Demolition of various storage buildings and structures and the erection of 14 residential units – Approved 09.06.08

08/0169P - demolition of various storage buildings & structures (Conservation Area Consent) – Approved 09.06.08

04/1355P - Demolition of various storage buildings and walls (resubmission of planning application 03/2396P) (Conservation Area Consent) - Refused 02.08.04 - Appeal Dismissed 11.04.05

04/1360P - Erection of 19 apartments in 2 three-storey blocks with additional roofspace accommodation and associated car parking (resubmission of planning application 03/2370P) (Full Planning) - Refused 02.08.04 – Appeal Dismissed 11.04.05

03/2396P - Demolition of various storage buildings (Conservation Area Consent) - Refused 20.11.03 – Appeal Dismissed 08.12.04

03/2370P - Erection of two three-storey blocks containing 21 apartments and associated car parking (Full Planning) - Refused 19.11.03 - Appeal Dismissed 08.12.04

POLICIES

Regional Spatial Strategy

Relevant Policies consist of the Regional Spatial Strategy Policies DP1 (Spatial Principles), DP5 (Managing Travel Demand), DP6 (Maximising Opportunity and Need), DP7 (Promoting Environmental Quality), and EM1 (Enhancement and Protection of the Region's Environmental Assets).

Local Plan Policy

Environment

NE11 – Nature Conservation

NE12 – Sites of Special Scientific Interest

Built Environment

BE1 – Design

BE3 – BE5 – Conservation Areas

BE21 & BE24 - Archaeology

Development Control

DC1 – Scale and Design

DC3 – Amenity

DC5- Layout and Surveillance

DC6 - Circulation and Access

DC8 & DC37 – Landscaping

DC9 – Tree Protection

DC18 & DC20 – Water Resources

DC35 – Materials and Finish

DC36 – Road Layouts and Circulation

DC38 –Space, Light and Privacy

DC40 – Children's Play Provision and Amenity Space

Housing

H1 –Phasing Policy

H2 - Environmental Quality in Housing Developments

H5 – Windfall Housing Sites

H6 – Town Centre Housing

H13- Protecting Residential Areas

Transport

T1, T3, T4 & T5 – Integrated Transport

Knutsford Town Centre

KTC1, KTC2 – Conservation of the Historic Environment (Knutsford)

KTC4 – Importance of the skyline – especially when viewed from The Moor

KTC12 – Housing and Community Uses

In addition, the Supplementary Planning Guidance document on Section 106 Agreements is also of particular relevance.

Other Material Considerations

National Planning Guidance in the form of: -

PPS1: Delivering Sustainable Development

PPS3: Housing

PPS5: Planning for the Historic Environment

PPS9: Biodiversity and Geological Conservation

PPG13: Transport

PPS5: Planning for the Historic Environment was published in March 2010. This scheme has been accompanied by a Heritage and Demolition Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

CONSULTATIONS (External to Planning)

The **Strategic Highways Manager** raises no highways objections subject to conditions, which should relate to visibility splays and servicing facilities being provided as indicated on the plans.

The **Public Rights of Way Unit** raise no objections as the development does not appear to affect a public right of way.

English Heritage comment that the application should be determined in accordance with national and local policy guidance, and on the basis of the Council's specialist Conservation advice.

Natural England note that the proposal is close to the Tatton Mere Ramsar site which is a European site protected under the Habitats Regulations. The proposal is also close to the Tatton Mere Site of Special Scientific Interest (SSSI). Natural England is of the opinion that the proposed development will not materially, or significantly affect either of the above providing a condition is attached to ensure Tatton Mere and Tatton Mere SSSI's are protected from any contamination during the demolition of buildings on the site.

In addition, a condition preventing contamination of the River Lily during the demolition/construction phase of the development should be attached. It is also noted that both foul sewage and surface water will be via the mains sewer and this should be included as a condition to ensure the protection of Tatton Mere from discharges which could affect the site.

Natural England believes in encouraging the adoption of the principles of sustainability in all plans and projects. The standards included in, 'The Code for Sustainable Homes' should be adopted. Natural England also considers that the provision of high quality green infrastructure should be an integral part of the creation of sustainable communities.

Natural England use standing advice to assess bat surveys and mitigation strategies. In this instance the conclusion reached is that permission may be granted subject to appropriate conditions including a detailed mitigation and monitoring strategy for bats.

Leisure Services:

A financial contribution is required in lieu of Public Open Space (POS) / off site play and amenity facilities / recreation and outdoor sport. The POS commuted sum based on 11 units is £33 000 and the Recreation / Sport commuted sum would be £11 000. The total commuted sum is therefore £44 000, and this would be used to make improvements, additions and enhancements at The Moor. This sum is in accordance with the Supplementary Planning Guidance on S106 Agreements.

The **Community Fire Protection Officer** commented on the previously identical planning application as follows: - in relation to Access for the Fire Service - the access and facilities for the fire service should be in accordance with the guidance given in Approved Document B supporting the Building Regulations 2000. In relation to Water Supplies – the applicant is advised to submit details of the water main installations in order that the fire hydrant requirements can be assessed. In relation to the Means of Escape – the applicant should be advised that the means of escape should be provided in accordance with the current Building Regulations. The applicant is also advised that they should consider the inclusion of an automatic water suppression subsystem to enhance any proposed design. The above comments should be forwarded to the applicant.

The **Strategic Crime Reduction Officer** from Cheshire Constabulary commented on the previously identical planning application with regard to the safer sustainable criteria of PPS1. Good practice comments were offered regarding the proposal and in particular in relation to the basement parking facility. Every effort must be made to prevent unauthorised access into the car park. Therefore, an access control system must be applied to all pedestrian and vehicular entrances. Inward opening automatic gates or roller grilles must be located at the building line or at the top of ramps to avoid the creation of a recess. They must be capable of being operated remotely by the driver whilst sitting in the vehicle, the operation speed of the gates or shutters shall be as quick as possible to avoid tailgating by other vehicles. Internal lighting must also be good with the walls and ceilings painted in light colour finishes. Any internal door that gives access to the residential floors must have an access control system. However, this will be subject to requirements for means of escape. Closed circuit television may be required. The residents must be able to monitor the car park from individual dwelling units if no formal monitoring agreement is planned.

The **Environmental Health Officer** raised concerns with the previously identical planning application in respect of noise, vibration and contaminated land. The proposed development is in relatively close proximity to a railway line, and as such there is potential that residential units could suffer loss of amenity as a result of the impact of environmental noise. In addition, there is potential for noise, vibration and dust caused during the construction / demolition phase to adversely impact on existing residential receptors in the vicinity. These concerns can be addressed by way of the following conditions: -

- The submission of an acoustic report (prior to the development commencing) which will assess the acoustic impact of the railway noise on residential properties. The report shall include a recommended mitigation scheme to ensure that noise levels at sensitive residential dwellings achieve, as a minimum, the “reasonable” standard in accordance with the British Standard. It is recommended that internal noise levels achieve the “good” standard.
- An hours of construction condition to restrict works to during daytime hours (Monday to Friday), Saturday mornings and no generative works on Sundays.
- A piling method statement condition

In relation to contaminated land, the application area has a history of use as a Smithy and therefore, the land may be contaminated. The application is for new residential properties which are a sensitive end use and could be affected by any contamination present. The report submitted in support of the application is out of date and requires updating to current

standards. It also recommends that further investigations should be carried out across the site to confirm the ground conditions.

No objections are raised, subject to a condition requiring a Phase II Investigation (in respect of any land contamination, and remediation works if required, and an Environmental Regulation informative.

The Environment Agency commented on the previous identical planning application and raised no objection in principle to the proposed development, but requests that an informative is attached to the decision notice which relates to the Agency's consent being required for the removal or installation of any culverts. The Environment Agency are pleased the developer is intending to partially re-open Lily Brook which is currently culverted at this location.

Comments are awaited from United Utilities and Leisure Services. Should any further comments (in addition to the comments made on the previously identical application 10/4764M) be made by The Environment Agency, Environmental Health Officer, Strategic Crime Reduction Officer, or Community Fire Protection Officer, then these will be reported to the Committee.

Knutsford Town Council recommends refusal of the application on the following grounds:

- The development constitutes site overdevelopment by virtue of size and impact.
- The development is out of character, as design and finish are inappropriate to the location
- Pose a potential of flooding risk to the underground car park.
- There is risk of contamination to the site, from the 'Moor'.
- Concerns are raised with regard to the structural impact to the adjacent listed building at 19 King Street.
- The proposal will cause traffic generation, or an unacceptable level due to the existing high flow of two way traffic.
- The proposal will neither preserve nor enhance the Conservation Area
- If the development proceeds the council request that the cobbled throughway from King Street be retained.
- The Council also wish to highlight that a 'Private Right of Way' exists behind 19 King Street.
- They also wish to express concern as to the structural suitability of the land due to ground conditions.

OTHER REPRESENTATIONS

No letters of representation have been received to date. It is noted that the publicity period expires on 27th July, and as a result any further comments shall be forwarded at a later date.

A summary of the general comments which were received in relation to the previously submitted identical scheme are as follows: -

- A reduction to the vehicular access to the rear of 19 King Street.
- The proposed houses are 3 storey. These are too high and will substantially alter the townscape and impede the overall character of the vicinity due to the increased height.
- Concerns were raised in relation to the amount of earth extraction and piling procedures which will be required to provide the underground car parking. Many of the existing surrounding properties are Victorian and these may be damaged by the works.
- The existing drainage and water pipes from nos 1-13 King Street leave the properties at the rear of the terraced row of terraces and into the existing track. Will the existing drain/water supply pipes be incorporated and integrated into the proposed drains of the proposed development?
- Concern was raised that there will be a substantial reduction in the number of car parking spaces in Church Walk. Residents and member of the public have been able to use this area for many years and the loss of the area will affect many people
- Concern was raised that the proposed development utilises an area of land, which has been used as a public parking area. Parking on King Street is time restricted and the loss of this parking facility would have a significant impact on amenity of local existing dwellings along the southern end of King Street. It is not clear how the loss of parking currently available is overcome by the development and this should receive due consideration, especially as it has always been understood that existing residential use in the town centre was to be encouraged.

APPLICANT'S SUPPORTING INFORMATION

The following documents have been submitted in support of the application:

- Design and Access Statement
- A Planning Statement
- A Heritage and Demolition Statement
- PPS3 Housing Self Assessment Checklist
- North West Sustainability Checklist
- Archaeological Building Assessment
- Basic Site Investigation Report
- Draft Heads of Terms – to cover open space and recreation/outdoor sports facilities

Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Principle of Development and Policy

The proposed development needs to be considered with regard to the Knutsford Town Centre and Conservation policies contained within the Macclesfield Borough Local Plan, and policies contained within PPS1, PPS3 and PPS5. Policy KTC12 encourages permitting housing where a satisfactory housing environment can be created.

In this case, there are a number of relevant material considerations.

- The proposals follow extensive consultation with English Heritage and the Conservation Officer
- The existing buildings on site are in poor condition and are an eyesore in a conservation area

SITE HISTORY

In August 2004 planning permission was refused for the erection of 19 apartments in two, three-storey blocks. The reasons for refusal were that approval of the proposal would lead to an over supply of housing contrary to the Council's Restrictive Housing Policy and that the proposed development would provide inadequate levels of private open space. This refusal was subsequently appealed and the appeal was dismissed solely on the grounds of over supply of housing. With regard to amenity space, the Inspector concluded that given the nature of the accommodation proposed, its location within a town centre and its proximity to The Moor the limited amount of open space on the site would not seriously compromise the living conditions of future occupants noting that prospective purchasers would note these factors before purchasing. The parallel application for Conservation Area Consent was refused and dismissed on appeal, due to the absence of an acceptable scheme for replacement development. The 2008 applications were broadly similar to the appeal schemes with some minor alterations to fenestration, balconies, parking, layout and landscaping and therefore, that scheme was considered in relation to the Inspectors comments and findings from the 2004 appeals. Applications 10/4764M (Full Planning) and 10/4758M (Conservation Area Consent) were submitted in January, however, as no bat survey was submitted to accompany the application, the applications were withdrawn.

CURRENT PROPOSAL

This application differs to that previously approved in 2008 (also the subject of an extension of time application, which can be found elsewhere on this agenda), in that it now proposes the erection of 11 new townhouses and the retention of 2 existing houses. The 2008 scheme provided 14 new units of residential accommodation, most of which would have provided 3 bedrooms (the previous 2004 scheme was a mix of 1 and 2 bedroom apartments). This proposal seeks 6 no townhouses to be erected at a 90 degree angle to the existing King Street properties. The three town houses which would front The Mere and two town houses which would be attached to the two houses to be retained would broadly be on similar footprints to the previously approved scheme from 2008. This scheme is identical to application 10/4764M which was withdrawn in March 2011.

Housing policy and supply

As stated above, the site falls within an area where housing is encouraged. The number of dwellings falls short of the number needed for affordable housing to be achieved.

It is considered that the proposal would contribute to the housing needs of the area and provide a reasonable mix of properties. The site is considered to be in a very sustainable location. It is within the town centre, which provides a wide variety of shops and services, churches and businesses. It is also close to the train station and bus stops. Overall, the proposal accords with current housing policy.

Design, layout, density and impact on residential amenity

The current site is made up of a collection of small workshops, garages and car parking areas. Visually the existing buildings are an eyesore which provide little merit in a

conservation area. It is considered that the uses although not particularly unneighbourly at present times could cause noise and disturbance to local residents within the vicinity of the site. The proposed development would change the nature of the site to a residential use.

The layout illustrates that the relationship with the rear of the King Street properties will be tighter than that previously approved in 2008. However, the distance between the rear facing windows of the King Street properties and side gable of the proposed development would be approximately 13m. This falls narrowly short of the space distance recommended by Local Plan policy DC38 (policy DC38 would normally require 16.5m in such cases). The properties which are affected are on King Street and their rear elevations are north west facing and currently have outriggers to the rear, which cause a 'tunnelling' affect to the rear windows. It is not considered that the proposals would unduly harm this relationship further, and as a result the proposals are considered to comply with Local Plan policy DC3 (amenity).

The internal relationships within the site itself are considered to be tight and do not reflect the spaces distance standards of policy DC38. However, these relationships are considered to reflect the tight historic fabric of the surrounding area and are therefore, considered to be acceptable.

Given the scale, relationships, amenity and outlook of the buildings which exist in the vicinity of the site, it is considered the three storey development proposed is acceptable within the character and appearance of the area and street scene of the area around Church Walk.

Design and Impact on the Conservation Area

The application site is at the lower end of King Street and beyond the southern extent of the original burgage plots of the medieval settlement. This is thought to have been built out in the 18th century. There was probably a mixture of residential and commercial property on the east side of the street and the development site would always have been a series of courtyards, gardens and workshops, running back from the principal frontage buildings lining the street. Two small courtyard cottages survive and these are retained as part of the development scheme.

The proposed layout has to respond to the requirement to retain the two court houses. It also has to reflect the original plots which ran at 90 degrees to the King Street frontage. This informed a decision to create a new pedestrian street along the line of the existing ginnel, not only to give access to the new houses, but also a safe route towards The Moor. The top end of Church Walk is not pedestrian friendly.

The new layout quite consciously adopts a tight urban grain that reflects the high densities and close building relationships of a town centre location. In this regard, it will not achieve the normal separation standards, but historic development rarely did. The aim is to create new urban spaces of character. The layout does have the support of English Heritage, following pre-application consultations.

The proposed house designs will be sympathetic to Victorian terraced precedents in the area, but are careful to employ crisp and unmistakably modern detailing. In this way, they avoid pastiche. The rear elevations are fairly formal. This is important as the terrace backing on to Church Walk will be prominent when viewed from the railway line. The houses are reasonably

tall (at three storeys in height), but as the site falls away quite strongly they will always remain subservient to the frontage buildings on King Street.

The hard landscaping area within the development will be important, particularly in respect of the new public space. The materials for this should be natural and of high quality. Consideration should also be given to retaining or reusing any surviving areas of traditional paving or surfacing found on site.

A method statement will be required for the excavation techniques to be used for the basement parking, to control the danger of vibration affecting the historic properties on King Street.

Highway Safety (in respect of the proposed access and parking arrangements)

There are visibility difficulties at the existing access point, but as this is an already established access and the level of usage will reduce as a result of the development, no highway objections can be raised. The new access will allow two-way flow into and out of the car park and also provide visibility splays at the access point. The basement parking layout provides some 45 car parking spaces, which appears to be an overprovision of parking for the number of dwellings proposed. The applicant's agent has confirmed that parking would be included for the previous owners of the site. A condition can be attached to ensure that adequate parking provision (200%) is made for new residents. The access to the car park is via an access ramp, this caters for two way flow and is designed to an acceptable gradient. There are no highway objections to the application subject to conditions, which should relate to visibility splays and servicing facilities being provided as indicated on the plans.

Environmental Issues

Although no formal comments have been received from the Environmental Health Officer in relation to this application, it is anticipated that no objection will be raised to the application, subject to conditions in relation to noise and vibration, contaminated land and piling. A Phase II contaminated land investigation shall be required and any remediation required as necessary. The proposed residential use is a sensitive end use. The report submitted with the application is out of date and requires updating to current standards. It also recommends that further investigations should be carried out across the site to confirm the ground conditions.

The Environment Agency raised no objections to the previously submitted identical application, and it is anticipated that they will raise no objections in relation to this application. It is noted that with the previous application, the Environment Agency welcomed the partial re-opening of Lily Brook, however, no comments were made in relation to flooding.

Trees and landscape

This proposal presents a no worse relationship to trees (an avenue of mature Limes situated within the Moorside and protected by virtue of their inclusion within the Knutsford Town Centre Conservation Area) than the previously approved application (08/0175P).

The trees, which have been pollarded, now have reformed crowns and present a dominant feature within the locale, contributing significantly to the visual amenity of the area. The previous application set the new build within 8-11 metres from the stems of these trees, which are located to the west of the buildings. It is however accepted that this relationship does not present an ideal relationship in terms of social proximity, however existing properties on

Swinton Square/Tatton Lodge appear worse. As the trees are within Council ownership it is anticipated that this issue can be controlled in terms of the trees future maintenance, however it is also accepted that the trees probably now require some management/pruning to remove deadwood and some crown containment/lifting over the adjacent road in the interests of safety.

The submission and implementation of a landscaping scheme will be required that reflects the landscape character of the Conservation Area and to address boundary treatment along the Church Walk frontage.

Ecology

The proposed development should not impact on the nearby Tatton Mere SSSI, provided satisfactory measures to prevent surface water and groundwater contamination are enforced.

Impact upon protected species

The Council's Nature Conservation Officer has assessed the submitted bat survey, and notes it was undertaken by a suitably qualified and experienced ecological consultant. No evidence of roosting bats was recorded during this survey and therefore, protected species do not present a constraint upon the proposed development.

The comments made by Natural England in relation to the Tatton Mere Ramsar site and Tatton Mere Sites of Special Scientific Interest are noted and suitable conditions can be attached to ensure that there is no contamination of the Tatton Mere, the SSSI's and the River Lily during construction.

OTHER RELEVANT INFORMATION

The comments submitted from the Fire Protection Officer, Strategic Crime Reduction Officer, Environment Agency, and Environmental Health Officer in relation to the previous identical planning application in March are noted and it is anticipated that similar appropriate conditions/informatives should be attached as required. In the event that any of these consultees alter their recommendations, Members will be informed accordingly.

The Leisure Services officer has requested a contribution towards improvements to public open space and towards recreation and outdoor sports. Improvements to the quality of existing facilities at The Moor are required.

The comments expressed by residents in relation to the previous identical submission and Knutsford Town Council relate to overdevelopment, the development being out of character, contamination, structural impact on adjacent buildings, traffic impact, flooding, impact on the Conservation Area and retention of the cobbled thoroughway from King Street, are noted. It is considered that these issues have been covered in the report above. The issues previously raised in relation to retaining private rights of way to various King Street properties are noted, however, this is a civil matter which will need to be resolved between the applicants and the individuals affected. The query in relation to existing drain/water supply pipes and integration with the proposed development would also be a private matter. However, it is noted that comments are awaited from United Utilities. The loss of the existing parking areas is noted, however, this land is privately owned and therefore, this use is beyond the Council's control. In addition, there is an extant permission for 14 houses which would result in the loss of these

parking spaces. A landscape scheme should be conditioned, where details of issues such as impact on existing residents can be considered in further detail.

SUBJECT TO

Comments are awaited from Leisure Services in relation to the potential requirement for an additional open space contribution in relation to this scheme. If an additional commuted sum is required, then this would need to be included within a S106 Agreement.

Should any further comments be made by The Environment Agency, Environmental Health Officer, Strategic Crime Reduction Officer, Community Fire Protection Officer, or United Utilities, these will be reported to the Committee.

CONCLUSIONS AND REASON(S) FOR THE DECISION

In summary, it is considered that the scheme for 11 new dwellings and retention of 2 existing dwellings is acceptable with regards to Local Plan Policies. The site is in a sustainable location and the proposals are considered acceptable with regard to the character and appearance of the area, neighbouring residential amenity, highway safety and the impact on the Conservation Area. Although the relationships between properties within the proposed development are slightly less than would normally be expected, this is considered to reflect the historic form of the locality. A recommendation of approval is therefore made, subject to the comments of United Utilities and the Leisure Services Officer.

HEADS OF TERMS

- Leisure Services have stated that the commuted sum required for provision of Outdoor Space is £33 000; the figure required for Recreation / Outdoor Sport is £11 000. Both the above commuted sums would be used to make improvements, additions and enhancements to The Moor.

Community Infrastructure Levy (CIL) Regulations

In order to comply with the Community Infrastructure Levy (CIL) Regulations 2010 it is now necessary for planning applications with legal agreements to consider the issue of whether the requirements within the S106 satisfy the following:

- (a) necessary to make the development acceptable in planning terms;
- (b) directly related to the development; and
- (c) fairly and reasonably related in scale and kind to the development.

The commuted sum in lieu of Public Open Space is necessary, fair and reasonable, as the proposed development will provide 11 dwellings, the occupiers of which will use local facilities as there is minimal open space on site, as such, there is a need to upgrade/enhance existing facilities. The contribution is in accordance with the Council's Supplementary Planning Guidance.

The financial contribution towards community facilities is necessary, fair and reasonable, as the additional number of residents to the town would put pressure on the existing facilities, and as a result these facilities will need to be upgraded/replaced to meet growing demands.

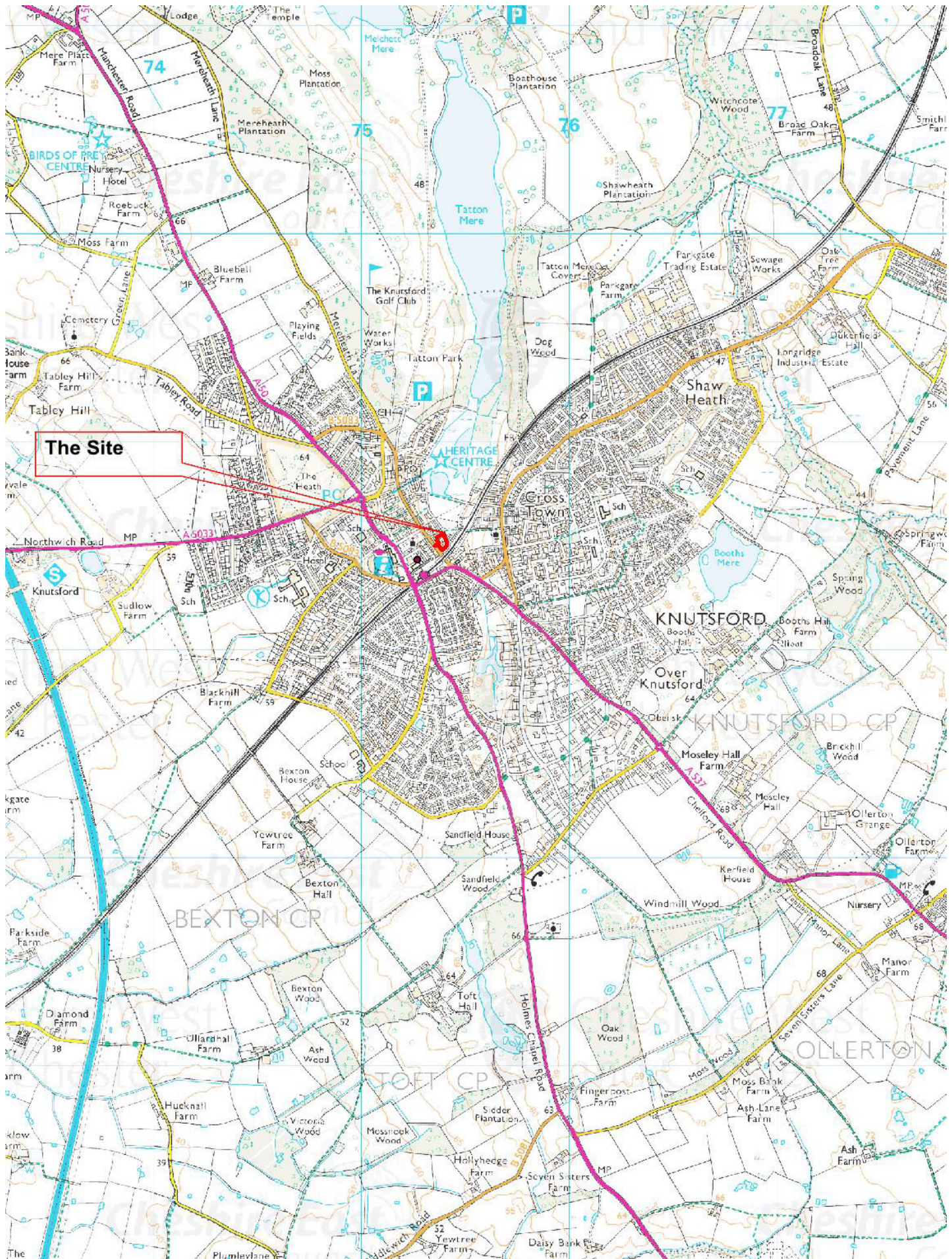
All elements are necessary, directly relate to the development and are fair and reasonable in relation to the scale and kind of development.

Application for Full Planning

RECOMMENDATION: Approve subject to a Section 106 Agreement and the following conditions

1. A03FP - Commencement of development (3 years)
2. A02EX - Submission of samples of building materials
3. A01AP - Development in accord with approved plans
4. A22EX - Roofing material
5. A23EX - Roof ridges
6. A21EX - Roof lights set flush
7. A10EX - Rainwater goods
8. A13EX - Specification of bonding of brickwork
9. A12EX - Fenestration to be set behind reveals
10. A20EX - Submission of details of windows
11. A18EX - Specification of window design / style
12. A11EX - Details to be approved - entrance handrails, window balustrades, eaves details and chimney pots
13. A25GR - Obscure glazing requirement
14. A02HA - Construction of access
15. A03HA - Vehicular visibility at access (dimensions)
16. A06HA - Pedestrian visibility at access in accordance plans to be approved
17. A07HA - No gates - new access
18. A12HA - Closure of access
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- 34.A23MC - Details of ground levels to be submitted
- 35.A01GR - Removal of permitted development rights
- 36.A22GR - Protection from noise during construction (hours of construction)
- 37.A23GR - Pile Driving and excavation
- 38.A07EX - Sample panel of brickwork to be made available
- 39. Surface water drainage system
- 40. Protection of River Lily during construction



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Application No: 11/1996M

Location: NORBURY'S YARD, KNUTSFORD, CHESHIRE, WA16 6DR

Proposal: Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses. Identical submission to Withdrawn Applications (10/4764M and 10/4758M) on 22nd March 2011 (Conservation Area Consent)

Applicant: Hillcrest Homes

Expiry Date: 11-Jul-2011

Date Report Prepared: 8th July 2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Impact on the character of the area
- Impact on the Knutsford Town Centre Conservation Area

REASON FOR REPORT

This application relates to the demolition of buildings in a Conservation Area, and is associated with application 11/1992M (proposed development for 11 dwellings) which is elsewhere on this agenda. It is therefore considered that it should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

Norburys Yard comprises of an irregular shaped piece of land extending to 0.22 hectares. It is situated to the rear of King Street, which is located to the west of the site and is bounded by Church Walk to the south and east. The site currently contains a number of buildings, some of which are proposed to be demolished. Two existing dwellings (built circa 1820) within the site are to be retained. Part of the site currently appears to be used for parking. The site lies within the Knutsford Town Centre Conservation Area, adjacent to The Moor, an existing area of open space.

DETAILS OF PROPOSAL

This application seeks Conservation Area consent for the demolition of all buildings on the site described in the report for application 11/1992M. In effect, these consist of the garage buildings and commercial premises.

National Guidance in PPS5 states Conservation Area consent should only normally be granted if an acceptable scheme of replacement development exists. The comments raised by the Conservation Officer are addressed in the report for the replacement building under application 11/1992M (elsewhere on this agenda). This is to prevent the creation of derelict sites. In the event that planning application 11/1992M and 11/1912M were to be refused, it would be appropriate to change the recommendation on this application to one of refusal.

RELEVANT HISTORY

10/4764M - Demolition of various storage buildings and structures and the erection of 11 new build townhouses and retention of 2 existing dwelling houses – Withdrawn 22.03.11

10/4758M - Demolition of various storage buildings and structures (Conservation Area Consent) – Withdrawn 22.03.11

08/0175P – Demolition of various storage buildings and structures and the erection of 14 residential units – Approved 09.06.08

08/0169P - demolition of various storage buildings & structures (Conservation Area Consent) – Approved 09.06.08

04/1355P - Demolition of various storage buildings and walls (resubmission of planning application 03/2396P) (Conservation Area Consent) - Refused 02.08.04 - Appeal Dismissed 11.04.05

04/1360P - Erection of 19 apartments in 2 three-storey blocks with additional roofspace accommodation and associated car parking (resubmission of planning application 03/2370P) (Full Planning) - Refused 02.08.04 – Appeal Dismissed 11.04.05

03/2396P - Demolition of various storage buildings (Conservation Area Consent) - Refused 20.11.03 – Appeal Dismissed 08.12.04

03/2370P - Erection of two three-storey blocks containing 21 apartments and associated car parking (Full Planning) - Refused 19.11.03 - Appeal Dismissed 08.12.04

POLICIES

Regional Spatial Strategy

Relevant Policies consist of the Regional Spatial Strategy Policies DP7 (Promoting Environmental Quality), and EM1 (Enhancement and Protection of the Region's Environmental Assets).

Local Plan Policy

Built Environment

BE1 – Design

BE2 – BE4 - Conservation Areas

BE21 & BE24 - Archaeology

Other Material Considerations

National Planning Guidance in the form of: -

PPS5: Planning for the Historic Environment. This PPS was published in March 2010. This scheme has been accompanied by a Heritage and Demolition Statement, which is considered to embrace the principles embodied within PPS5 in terms of consideration of the heritage asset.

CONSULTATIONS (External to Planning)

Knutsford Town Council recommend refusal on the following grounds:

- The development constitutes site overdevelopment by virtue of size and impact.
- The development is out of character, as design and finish are inappropriate to the location
- Pose a potential of flooding risk to the underground car park.
- There is risk of contamination to the site, from the 'Moor'.
- Concerns are raised with regard to the structural impact to the adjacent listed building at 19 King Street.
- The proposal will cause traffic generation, or an unacceptable level due to the existing high flow of two way traffic.
- The proposal will neither preserve nor enhance the Conservation Area
- If the development proceeds the council request that the cobbled throughway from King Street be retained.
- The Council also wish to highlight that a 'Private Right of Way' exists behind 19 King Street.
- They also wish to express concern as to the structural suitability of the land due to ground conditions.

OTHER REPRESENTATIONS

- No letters of representation have been received to date.

APPLICANT'S SUPPORTING INFORMATION

A Design & Access Statement, an Archaeological Building Assessment and an Archaeological Evaluation Report have been submitted in support of the application. Full copies of these documents are available on the application file. Details of the above documents can be found on the application file.

OFFICER APPRAISAL

Conservation Area Consent is being sought for the demolition of a number of existing buildings on the site. The demolition of these buildings is required in order to enable a redevelopment of the site for housing to take place. A parallel planning application for the

redevelopment is dealt with elsewhere on this agenda (11/1992M). A semi-detached pair of three storey houses are to be retained as part of the scheme.

It is considered that the key issue to be addressed in relation to this application is whether any of the buildings that are to be demolished make a positive contribution to the character or appearance of the area such that they should be retained.

RELEVANT PLANNING POLICIES

Local Plan policy BE4 states that Conservation Area consent will not be granted for the demolition of buildings or structures which make a positive contribution to the character or appearance of the area. Applications for the replacement building or structure must be submitted at the same time as the application to demolish.

The semi-detached houses make the most significant contribution to the character and appearance of the Conservation Area. Many of the other structures that are to be demolished, such as an asbestos garage, are unattractive and their loss would cause no harm. The only building to be demolished which is considered to be of any merit is a single storey building currently occupied by a lawn mower repair business. It has a simple linear form, which is typical of the subsidiary type of building found to the rear of houses on the main streets in the town centre. A report on the building provided evidence that the building is of early to mid Victorian date. There are no traces of any timber framed buildings making up part of this small range. It is therefore concluded that the building is not of sufficient historic interest to object to its removal, assuming that the scheme to redevelop the site is approved. Site investigations have also revealed that there are not likely to be any archaeological deposits of interest that would be destroyed by the development.

The Conservation Officer raises no objections to the proposed demolition of the buildings given the wider benefits offered by the proposed redevelopment of the site.

SUBJECT TO

Any further comments from any consultees or residents.

Application for Conservation Area Consent

RECOMMENDATION: Approve subject to following conditions

1. A03CA - Standard Time Limit
2. A02CA - Demolition as precursor of redevelopment
3. A01AP - Development in accord with approved plans
4. A22GR - Protection from noise during construction (hours of demolition)



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Application No: 11/0989M

Location: 64, GOUGHS LANE, KNUTSFORD, CHESHIRE, WA16 8QN

Proposal: Demolition of Existing Dwelling and Erection of 41 Bed Care Home

Applicant: Marantomark Ltd

Expiry Date: 06-May-2011

Date Report Prepared: 6 July 2011

SUMMARY RECOMMENDATION

Approve subject to conditions

MAIN ISSUES

- Whether the site is a suitable location for a nursing home of the size proposed both in terms of the use itself and in terms of the size, siting and design of the building
- Whether the proposal has any adverse impact on either the character and appearance of the adjacent Conservation Area or on the openness of the adjacent Green Belt
- The impact upon the amenity of nearby residential occupiers
- The impact upon highway safety
- The impact upon trees of amenity value including those protected by Tree Preservation Orders

REASON FOR REPORT

The application is before the Committee by virtue of the scale of the building exceeding 1000 square metres of floorspace, and the application therefore being defined as a major development.

DESCRIPTION OF SITE AND CONTEXT

The application site comprises a two-storey detached dwelling with detached garage, outdoor swimming pool and substantial surrounding gardens. The site is located within a Predominantly Residential Area, adjacent to the Legh Road Conservation Area as identified in the Macclesfield Borough Local Plan.

DETAILS OF PROPOSAL

This application seeks full planning permission for the demolition of the existing dwelling and the erection of a 41 bed care home.

RELEVANT HISTORY

08/1482P - DEMOLITION OF EXISTING DWELLINGHOUSE AND ERECTION OF 41 BED CARE HOME – Approved 19.09.2008

08/0475P - DEMOLITION OF EXISTING DWELLING HOUSE AND ERECTION OF 41 BED CARE HOME - Refused 27.05.2008

POLICIES

Regional Spatial Strategy

DP1 (Spatial principles applicable to development management)
DP2 (Criteria to promote sustainable communities)
DP3 (Promotion of sustainable economic development)
DP4 (Sequential approach to make the best use of existing resources)
DP5 (Objectives to reduce the need to travel and improve accessibility)
DP6 (Linking economic opportunity with areas in greatest need)
DP7 (Criteria to promote environmental quality)
RT2 (Managing travel demand in new developments)

Local Plan Policy

BE1 (Design principles for new developments)
BE3 (Development must preserve or enhance the Conservation Area)
BE13 (Guidance for the Legh Road Conservation Area)
H13 (Protecting residential areas)
DC1 (High quality design for new build)
DC2 (Design quality for extensions and alterations)
DC3 (Protection of the amenities of nearby residential properties)
DC6 (Safe and convenient access for vehicles, special needs groups and pedestrians)
DC8 (Requirements to provide and maintain landscape schemes for new development)
DC9 (Tree protection)
DC38 (Guidelines for space, light and privacy for housing development)
DC57 (Criteria for residential institutions)
DC63 (Requirements for contaminated land)

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS9: Biodiversity and Geological Conservation
PPG13: Transport

CONSULTATIONS (External to Planning)

United Utilities – Comments not received at time of report preparation

Highways – No objection subject to conditions

Environmental Health – No objection subject to conditions

Head of Adult Services – Comments not received at time of report preparation

VIEWS OF THE PARISH / TOWN COUNCIL

Knutsford Town Council – Recommend refusal on the grounds that there is inadequate parking provision and the proposal is over development of the site.

OTHER REPRESENTATIONS

Six letters of representation have been received from local residents at 1, 2, 5 and 6 St Georges Close, 38 Goughs Lane, and 1 Oakleigh objecting to the proposal on the following grounds:

- Insufficient parking and impact upon highway safety (contrary to policy DC6)
- Unsafe access
- Noise, lighting and privacy impact upon neighbouring property. Restrictions to ensure only low level/low intensity car park lighting should also be considered to avoid excessive light pollution.
- Position of waste bins unsightly, unsafe and create odours (contrary to policy DC3 and H13)
- Impact upon the street scene / character of the area / Conservation Area (contrary to policies DC1, H13, BE3 and BE13)
- Overbearing to adjoining dwellings (contrary to policy DC3 and H13)
- No provision for HGVs to turn within the site (contrary to policy DC6)
- Ventilation systems and pumps will result in unacceptable levels of noise (contrary to policy DC13).
- No confirmation from United Utilities that existing infrastructure is adequate for proposal (contrary to policy DC16)
- Over 1.5 miles to nearest shop / community facilities. Limited access to public transport and bus service is infrequent, and is therefore contrary to policy DC57.
- The increase in floor area will be banked and converted to more accommodation which will then increase staff and resident numbers with no obvious areas to increase the provision of on-site parking spaces.
- Original application did not conform to Care Quality Commission (CQC) standards and could not be built as approved.
- Has the Council been provided with satisfactory formal CQC documentary evidence supporting an increase in required total floor area by 25%, as this seems to be the key rationale for submitting the proposed changes.
- Previously imposed planning conditions should be retained. The Council should consider imposing specific restrictions relating to: "alternative uses" for this site (to restrict use to elderly healthcare provision); requirement for a financial contribution towards road maintenance on Goughs Lane, and; signage.
- No assessment of flood risk.
- Existing problems with the sewage (Foul Drain)
- Impact upon water pressure
- Green mesh security fencing out of character

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a bat survey, arboricultural report, design & access statement and a planning statement with the application. Full copies of these documents are available on the application file, but the key planning points are summarised below:

- The principle of a care home of the size, scale, design and massing proposed has already been established.
- The proposed building would improve the character of the site, and site comfortably with other buildings around it.
- Increased floor area over previous approval achieved by using basement and roofspace.
- The footprint of the proposed building represents minimum size for a care home to be viable and meet required standards.
- Will provide Knutsford with a much needed facility.
- Level of activity limited to staff changeover times.
- Proximity to public transport will allow staff to travel by public transport.
- The proposal will not have a significant impact upon the character of the area.
- The proposal is in accordance with the development plan, particularly policy DC57.

OFFICER APPRAISAL

Principle of Development

The principle of a care home on this site has previously been accepted by the Council following the approval of application 08/1482M, which granted planning consent for a 41 bed care home.

The current application also seeks consent for a 41 bed care home, which has a 25% increase in footprint compared to the previous scheme. The proposed building has a total width along its rear elevation of 41.5 metres and a maximum depth along the Goughs Lane elevation of 29.5 metres. This compared to the previously approved scheme, which had a width of 37.6 metres and depth of 27.3 metres. The ridge and eaves height are (approximately) as previously approved at 10.2 metres and predominantly 6.1 metres respectively.

The site lies within a predominantly residential area opposite the boundary of the Legh Road Conservation Area and the Green Belt. Local Plan policy DC57 deals specifically with C2 Residential Institutions and states that proposals for residential institutions will be subject to the following criteria:

- 1 The site must be close to local facilities e.g. bus services, local shops and other community facilities and is normally sited in a residential area
- 1 A satisfactory balance of residential uses must be maintained in any neighbourhood and a concentration of specialist housing and care facilities is avoided
- 2 The development must not materially prejudice the amenity of neighbouring property by virtue of overshadowing, overlooking, loss of privacy and noise disturbance
- 3 The development must comprise a reasonable sized private garden in the order of 10m² per resident which has a pleasant aspect and is not overlooked or overshadowed
- 4 That the development satisfies the general requirements for all developments including the provision of on site parking for residents, staff and visitors
- 5 Vehicular and pedestrian access should be safe and convenient

Each of the listed criteria will be considered in turn.

Location

The site lies within a residential area approximately 1500m from the town centre of Knutsford, which is approximately a 20 minute walk away. Whilst the immediate surrounding area does not offer shopping facilities, such facilities are available within the town centre as is a railway station. Bus stops are present on Chelford Road offering services to Macclesfield, Knutsford and surrounding areas. No other care facilities are available within the immediate surrounding neighbourhood and it is not considered that approval of this development would result in a concentration of such uses.

Amenity

With regard to any impact on the amenity of neighbouring property, Local Plan Policy DC3 deals with this issue and states that development should not significantly injure the amenities of adjoining or nearby residential property due to, amongst other things, loss of privacy, overbearing effect, loss of sunlight and daylight, noise and traffic generation, access and car parking. The site of the proposed care home is surrounded by residential properties to the west, south and east.

The proposed care home would be larger than the existing building and surrounding properties in terms of both footprint and height. Given the position of the new building to the north east of neighbouring dwellings on Oakleigh, the potential for overshadowing is considered to be limited. Number 7 Oakleigh lies to the south east, however a number of large trees are situated along the side boundary of this property, which already result in some overshadowing and the proposed building is not considered to make this situation significantly worse. Due to the distances to and relationship with the properties on St Georges Close, no significant over shadowing will occur to these properties.

Minimum distances between the proposed building and properties on Oakleigh are 23.5m to the rear elevation of No.3 Oakleigh, which is the closest of the three properties to the rear, and 13.4m to the side elevation of No.7 Oakleigh. By way of comparison to that previously approved, the respective distances on the extant approval (08/1482P) are 23.5 metres (to no.3) and 14.4 metres (to no.7). Local Plan policy DC38 provides guidelines on space, light and privacy and states that 25m should be retained between facing habitable room windows and a minimum of 14m where a habitable room window faces either a non-habitable room or a blank wall for one or two-storey buildings. Whilst the use of the roof accommodation is not considered to amount to an additional storey, the presence of the roof lights should be given due consideration when assessing the relationship with neighbouring properties. The roof lights will be set approximately 1.5 metres further back on the roof slope than the windows rear wall of the new building. In this case, the properties at 1-5 Oakleigh contain habitable room windows in their rear elevations and these directly face the rear elevation of the proposed care home which also contains habitable room windows.

The minimum distance to the neighbours at 1-5 Oakleigh is less than those outlined in policy DC38, however, extensive screening exists along the rear boundary of these properties and it is considered that this screening together with the distances that are achieved results in an acceptable impact upon the living conditions of neighbouring properties. The distance between the blank side elevation of No.7 Oakleigh is again less than the recommended distance, but by virtue of the existing vegetation between the two, no significant amenity issues are raised. As noted above, a comparison of the plans illustrates that the impact upon

neighbouring properties is very similar to that previously approved. This is a material consideration that should also be afforded significant weight in the determination of the application. In terms of the properties on St Georges Close, this is considered to be acceptable and within the stated distance guidelines.

The application details indicate that the care home will employ 50 staff caring for up to 41 residents on a 24 hour shift basis. The proposed car parking for 14 vehicles is predominantly located at the northern corner of the site, adjacent to the junction of Goughs lane and Chelford Road. The vehicular access from Goughs Lane will be adjacent to the existing substation building with the driveway running parallel with Goughs Lane leading to the car park. The parking areas are therefore located adjacent to the main roads, where general comings and goings are likely to have the least impact upon neighbouring properties. A service / delivery area is also identified on the plans to the rear of 1 and 3 Oakleigh, however, a solid boundary wall is proposed along this boundary in order to minimise any impact of vehicle movements on these properties. Whilst it is acknowledged that the nature of the proposal may involve some out of hours activity, the proposed use would generally operate during the daytime. Finally a bin store will be located adjacent to the existing substation building. Whilst this is relatively close to the garden of number 1 Oakleigh, the bins will be housed in their own building, which will minimise the noise and odour impacts upon neighbouring properties. Having regard to the position and layout of the site, it is not considered that the additional noise and disturbance would be sufficient to justify a refusal of planning permission.

Private amenity space

The site is a substantial one, and adequate outdoor amenity space for residents of the proposed care home is being retained. Policy DC57 states that around 10 square metres per resident is provided and that it should have a pleasant aspect and is not overlooked or overshadowed. Ample space exists to the front of the proposed building and whilst some of this will contain or be overshadowed by trees, the overall amount of space is well above the suggested guidelines.

Highways

The Strategic Highways Manager has commented on the application and has raised no objections. Noting that there is a previous consent on the site for a 41 bed care home approved in 2008, he states that the only changes in terms of highways is that all the car parking is now surface car parking instead of underground and there is a drop off space fronting the building. The vehicular access point is in the same location as that previously approved.

As with the previously approved application there are 14 car parking spaces being provided within the site. Therefore, in highway terms, this application is very similar to the approved scheme and no objections are raised to the current proposal subject to the same conditions being attached.

The comments from local residents and the Town Council on this issue are noted, however, given that the Strategic Highways Manager advises that the proposed number of spaces is adequate given the nature of the use and the location of the site; it is not considered that objections can be raised on this basis. No significant highway safety issues are therefore raised.

Design / character

The proposed building is significantly larger than the existing single dwelling that exists on the site, and the dwellings that surround it. The design of the building is similar to that previously approved under 08/1482P, but with a 25% increase in footprint. However, there is also considered to be a reduction in the bulk and massing of the parts of the building closest to Goughs Lane, with a reduced eaves height compared to that previously approved.

The site is relatively large and it is considered that a building of this scale can comfortably be accommodated within it. The existing screening to all boundaries, together with additional landscaping, which can be dealt with by condition, serves to reduce the impact of the proposal upon the character of the area and the adjacent Conservation Area to an acceptable level.

Similarly, the impact of the proposal on the Green Belt, on the opposite side of Chelford Road, is considered acceptable given the extent of boundary screening and the fact that the building is set away from the boundary with this highway. The proposal is therefore considered to comply with policies, BE1, BE3 and DC1 of the Local Plan.

Trees and landscaping

The site is in a prominent location and is adjacent to the Legh Road Conservation Area it is therefore important to secure a high quality landscape scheme. The landscape scheme submitted with the application is generally acceptable but further details are required. A detailed planting plan is recommended for the front boundary with Gough's Lane and Chelford Road to show in detail the existing trees, hedges and shrubs plus the proposed planting and fencing. Semi-mature trees and large hedge plants are recommended around the corner adjacent to the roundabout to screen the proposed car park and to filter views of the care home building. Full hard and soft details for all other elements of the proposed landscape scheme will be required.

Comments from the Council's Forestry Officer are awaited, however, it is understood that the application follows pre-application discussions on this matter. No trees issues are therefore anticipated, however, full details of the implications of the proposal upon trees of amenity value will be reported to Members in an update.

Ecology

During the course of the application an updated bat survey has been submitted, as the one originally submitted dates back to 2008 and was considered to be out of date. The Council's Nature Conservation Officer has commented on the application and considers that the revised bat survey is acceptable. No evidence of roosting bats was recorded and therefore it is considered that bats are unlikely to be affected by the proposed development.

However, as bats were recorded as being active around the site a condition is recommended to secure an enhancement of roosting opportunities in accordance with PPS9, and as recommended by the submitted ecological survey report.

Other considerations

Concern has been raised by an objector that the additional floorspace will be converted to additional accommodation that would increase staff and resident numbers even further, which

increase parking requirements. This concern is acknowledged and a condition is recommended that restricts the number of bedrooms to 41.

With regard to comments relating to drainage and water pressure etc, comments from United Utilities are awaited and will be reported to Members in an update.

Comments have also been made with regard to Care Quality Commission (CQC) standards, which were not achieved previously, and hence why the previous scheme is being amended. These comments are noted, however, in planning terms the proposal is considered to be acceptable.

A condition has been recommended by Environmental Health requiring the submission of a noise impact assessment, however, this was not attached to the previous permission and the policy context has not changed since that time. Such a condition is therefore considered to be unreasonable in this case.

CONCLUSIONS AND REASON(S) FOR THE DECISION

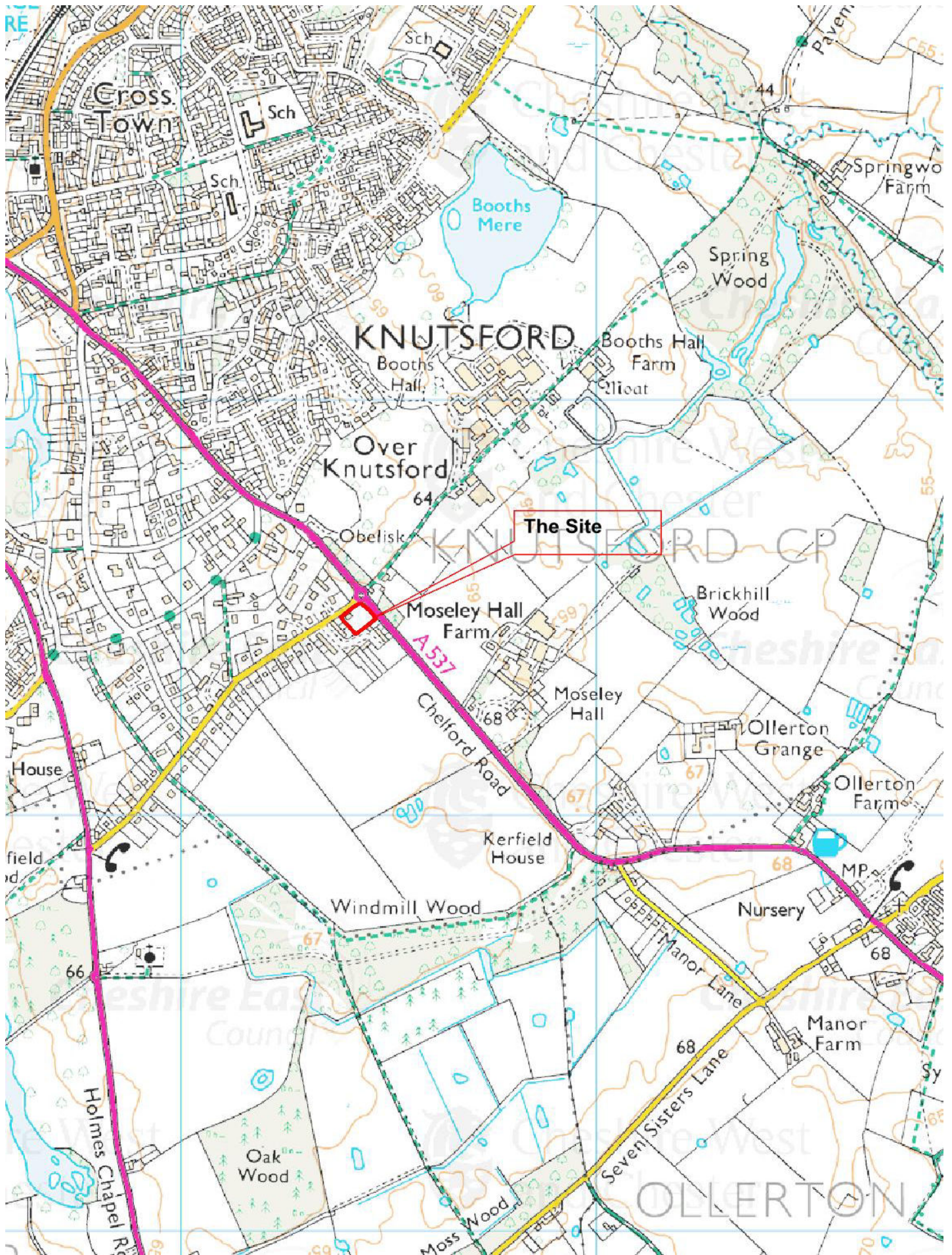
The principle of a care home in this location has previously been accepted, and the previous permission 08/1482P remains extant. Although the building is larger than that previously approved, the proposal is considered to have an acceptable impact upon the character and appearance of the area, the amenity of neighbouring properties, and highway safety. The massing, height and appearance of the building is very similar to that previously approved. The comments received in representation are noted, however, having regard to the previous approval on this site, and for the reasons outlined above a recommendation of approval is made, subject to the same conditions as those attached to 08/1842P, and the receipt of information from outstanding consultees.

Application for Full Planning

RECOMMENDATION: Approve subject to following conditions

1. A03FP - Commencement of development (3 years)
2. A01AP - Development in accord with approved plans
3. A02EX - Submission of samples of building materials
4. A10EX - Rainwater goods
5. A18EX - Specification of window design / style
6. A21EX - Roof lights set flush
7. A02HA - Construction of access
8. A07HA - No gates - new access
9. A12HA - Closure of access
10. A18HA - Construction of footways
11. A24HA - Provision / retention of service facility

- 12.A26HA - Prevention of surface water flowing onto highways
- 13.A30HA - Protection of highway from mud and debris
- 14.A32HA - Submission of construction method statement
- 15.A01HP - Provision of car parking
- 16.A04HP - Provision of cycle parking
- 17.A05HP - Provision of shower, changing, locker and drying facilities
- 18.A07HP - Drainage and surfacing of hardstanding areas
- 19.A10HP - Driveway surfacing - single access drive
- 20.A01LS - Landscaping - submission of details
- 21.A04LS - Landscaping (implementation)
- 22.A12LS - Landscaping to include details of boundary treatment
- 23.A02TR - Tree protection
- 24.A03MC - Cooking odour extraction equipment
- 25.A06LP - Limitation on use
- 26.A08MC - Lighting details to be approved
- 27.A17MC - Decontamination of land
- 28.A22GR - Protection from noise during construction (hours of construction)
- 29.A23GR - Pile Driving
- 30.Provision of features for roosting bats
- 31.Green travel plan



Application No: 11/1438M

Location: PIGGOTTS HILL FARM, CONGLETON LANE, CHELFORD, SK11 9LD

Proposal: Change of Use from Agricultural Land (Sui Generis) to a Private Mixed Recreation Development (Ancillary to the Enjoyment of the Main House, Mallerstang, Class C3) Comprising a Cricket Pitch, a Siting Area for the Erection of a Temporary Marquee, Equestrian Manege, Warm Up/Warm Down, Turf Training and Cross Country Areas together with a Revised Vehicular Access and Temporary Car Parking Area

Applicant: The BS Sheppard 2003 Settlement Trust

Expiry Date: 20-Jul-2011

Date Report Prepared: 8 July 2011

SUMMARY RECOMMENDATION

REFUSE

MAIN ISSUES

- Impact on the Green Belt
- Impact on Nature Conservation and Protected Species
- Impact on Highway Safety and Public Rights of Way

REASON FOR REPORT

The site area is 9.3ha over the 2ha threshold for major applications. Therefore in line with the Council's Constitution, it should be determined by Members of the Northern Planning Committee.

DESCRIPTION OF SITE AND CONTEXT

The application site is roughly rectangular in shape and measures 9.3ha and comprises three fields currently planted with potatoes (agricultural land classification Grades 2 and 3) with mature hedgerow field boundaries and an area of designated ancient Woodland behind, which has Snape Brook running through it. The existing field has a point of access taken from Congleton Lane and a public footpath running along the northern site boundary. Brook House Farm (now a residential dwellinghouse) lies adjacent to the northern boundary, Snape Brook forms the eastern boundary, adjacent arable fields are sited to the south and Congleton Lane, which is a classified road, forms the western site boundary. The site is within the designated Green Belt approximately 0.88 miles south east of Chelford and also within a designated Area of Special County Value (ASCV) and the Jodrell Bank Outer Zone.

DETAILS OF PROPOSAL

In summary the proposals relate to the change of use of land from agriculture to a private mixed recreation development which would be ancillary to the enjoyment of a dwellinghouse, namely Brook House farm which lies to the north of the site.

The site would be subdivided into two sections east to west, the northern section closest to Brook House Farm (site 1) and the area to the south of the existing access point (site 2). Site 1 would comprise a revised point of access (including closure of existing point of access, removal of existing hedgerow and resiting of access approximately 30m south and planting of replacement hedgerow) with access track constructed of compacted hardcore which would run adjacent to the western boundary of the site behind the existing hedge, this would lead to a car park for 40 vehicles. Adjacent to the access track would lie a 20m x 60m ménage and turf training area measuring 50m x 50m both would be bounded by post and rail fencing measuring 1.5m high. Behind these elements would lie a rectangular cricket pitch with a temporary marquee area and warm up/ cool down area in the north eastern corner of the site adjacent to the wooded area.

Site 2 comprises a cross country course which would include extensive earthworks including ditches, steps, jumps, forming new water bodies and undulating ground levels. The various sections of the site would be subdivided with new hedging with timber field gates providing access. Areas of new tree planting are also proposed.

RELEVANT HISTORY

None relevant

POLICIES

Regional Spatial Strategy

DP 1 Spatial Principles
DP 2 Promote Sustainable Communities
DP 3 Promote Sustainable Economic Development
DP 4 Make the Best Use of Existing Resources and Infrastructure
DP 7 Promote Environmental Quality
DP 8 Mainstreaming Rural Issues
RDF 2 Rural Areas
RDF 4 Green Belts
EM 1 Integrated Enhancement and Protection of the Region's Environmental Assets

Local Plan Policy

NE1 Areas of Special County Value
NE2 Protection Local Landscapes
NE3 Landscape Protection and Enhancement
NE9 Protection River Corridors
NE11 Nature Conservation

NE12 SSSI, SBI and Nature Reserves
NE13 Sites of Biological Conservation
NE14 Nature Conservation Sites
BE1 Design Guidance
GC14 Jodrell Bank
DC1 New Build
DC3 Amenity
DC6 Circulation and Access
DC8 Landscaping
DC9 Tree Protection
DC11 Hedgerow Policy
DC32 Equestrian Facilities
DC37 Landscaping

Other Material Considerations

PPS1: Delivering Sustainable Development
PPS1: Delivering Sustainable Development: Climate Change Supplement
PPG2: Green Belt
PPS4: Planning for Town Centres
PPS7: Sustainable Development in Rural Areas
PPS9: Biodiversity and Geological Conservation
PPG17: Planning for Outdoor Sport and Recreation

CONSULTATIONS (External to Planning)

Public Rights of Way Unit:

The property is adjacent to public footpath no. 21 Lower Withington. It appears unlikely, however, that the proposal would directly affect the public right of way, although there is new fencing proposed to the north of the site which would enclose one length of the footpath.

There is also some concern that a protected access to the ménage for horses follows the same line as the public footpath potentially causing an area of conflict between pedestrians and although not shown must cross the footpath at some point. Further consideration may be needed on this aspect depending on the available widths.

Recommends advice notes added to any planning consent to ensure that developers are aware of their obligations.

Environment Agency:

No objection however recommends attaching an informative in respect of waste.

Strategic Highways Manager: No response received at time of writing report

VIEWS OF THE PARISH / TOWN COUNCIL

No response received at time of writing report

OTHER REPRESENTATIONS

Letters of objection received from Piggotts Hill Farm on the following grounds:

- loss of agricultural land
- inappropriate development within the Green Belt
- unwanted precedent
- loss of best and most versatile agricultural land
- impact on ASCV
- inaccuracies in supporting statement

APPLICANT'S SUPPORTING INFORMATION

The applicant has submitted a Supporting Statement, Landscape Visual Impact Assessment, Ecological Report and Tree Report. The main points within the Supporting Statement indicate that the proposals are not commercial and comprise development ancillary to the enjoyment of a dwellinghouse and as such the impact upon amenity and highway safety would be negligible. The Supporting Statement then seeks to demonstrate compliance with PPG2 on the grounds that it supports proposals for outdoor sport and recreation and that the proposals represent a material change of use which preserves openness. It then seeks to demonstrate compliance with the purposes for including land within the Green Belt, compliance with policies within PPG17 and PPS4 and makes reference to case law to support its conclusions.

The contents of the Ecological Report, Tree Report and Landscape Visual Impact Assessment are discussed within the relevant sections of the report.

OFFICER APPRAISAL

Principle of Development- Appropriateness within the Green Belt

PPG2 indicates that there is a general presumption against inappropriate development within the Green Belt. Such development should not be approved, except in very special circumstances.

Engineering and other operations and the making of any material change in the use of land are inappropriate development unless they 'maintain openness and do not conflict with the purposes of including land in the Green Belt.'

At present, the site comprises three fields with native hedgerow field boundaries. The extent of the works involve permanent changes to the land including new post and rail fencing, new subdividing hedges, hardstanding, surfacing materials, re-grading the land and permanent jumps would affect the appearance, visual amenity and openness of the land. This coupled with the associated activity which would inevitably result from such uses including vehicle movements, the erection, and use and dismantling of the marquee and the persons and horses involved in using the cross country course, manege and cricket pitch area and associated training areas would be in contrast to the singular agricultural use that exists at present. It is considered that there would be an encroachment into the countryside. Contrary to one of the purposes of including land in the Green Belt.

The contents of the Supporting Statement and Landscape Assessment are duly noted however it is not considered that the proposed landscaping and presence of existing hedges would mitigate or make this loss of openness less apparent.

Whilst the purposes of including land in Green Belts are of paramount importance to their continued protection, and should take precedence over the land use objectives, it should be noted that the proposals would also not accord with the objectives of the use of land within the Green Belt:

- to provide opportunities for access to the open countryside for the urban population;
- to provide opportunities for outdoor sport and outdoor recreation near urban areas;
- to retain attractive landscapes, and enhance landscapes, near to where people live;
- to improve damaged and derelict land around towns;
- to secure nature conservation interest; and
- to retain land in agricultural, forestry and related uses.

In this regard, the proposals would have no adverse impact upon the public right of way which runs along the site and any impact upon nature conservation/ protected species can be mitigated. That said, the proposals would materially alter the character of the land within a designated ASCV where the retention of the existing agricultural landscape, which makes a positive contribution to the Green Belt, is desirable. Moreover, the land is part of an agricultural holding, in active agricultural use and therefore the proposals would facilitate the loss the best and most versatile agricultural land. The current tenant has indicated that the loss of such a substantial piece of land (9.3ha) could undermine their ability to operate successfully as an agricultural enterprise.

The proposal would contribute for opportunities for outdoor sport and recreation. However, this would be limited for the benefit of Brook House Farm, there would be no public benefit in terms of outdoor sport and recreation. Limited weight is given to this benefit in light of the significant and wide- ranging adverse impact in terms of the impact upon the landscape, loss of agricultural land and subsequent impact upon the openness of the Green Belt.

In summary the proposal is for a change of use of land that would harm openness and encroach into the countryside. It is therefore by definition inappropriate development in the Green Belt. It is also considered that there would be harm to the character and visual amenity of the Green Belt. Inappropriate development should not be allowed unless very special circumstances exist. No special circumstances have been advanced by the applicant to justify approval of the proposals contrary to established Green Belt policy.

Whilst the current emphasis of PPG17, PPS7, PPS4 and various ministerial statements support sustainable economic development and outdoor sport and recreation this is provided that facilities are essential and would not harm the character of the countryside. It has been demonstrated above that the facilities are not essential and would harm the character of the area. There would be no very special circumstances which would outweigh the harm caused by the development.

Loss of Best and Most Versatile Land from Agricultural Production

The site includes land defined as Grades 2 and 3a of the Agricultural Land Classification. This constitutes the best and most versatile agricultural land, and para 28 of PPS7 states that Local Planning Authorities may wish to protect such land from speculative development. The classification of agricultural land should be taken into account alongside other sustainability considerations including biodiversity, the quality and character of the landscape, its amenity values, accessibility to infrastructure and the protection of natural resources.

The site forms part of a larger agricultural holding currently tenanted and actively farmed. The land is used on a rotational basis for arable and grass/forage crops and contributes to the home production of food for local markets.

The proposals would result in a permanent change in the use of the land which would prevent its future use for agricultural purposes.

The agent has indicated that only 5% of the site represents Grade 2 land, which is adjacent to the public highway and therefore its farming value is limited. The remainder of the site was classified as Grade 3 prior to the distinction between 3a and 3b. Whether the remainder of the site comprises 3a or 3b or a mix of the two cannot be established.

In any event, Green Belt policy seeks to protect against the loss of agricultural land in general and as the land is actively farmed for crops this indicates that it is clearly of value in this regard.

The loss of this land from production would be contrary to national planning guidance contained in PPG2 and PPS7. There are no benefits or very special circumstances which would justify the loss of this agricultural land which comprises designated 'best and most versatile' agricultural land.

Area of Special County Value, Visual Impact and Landscape Character

The site lies within an Area of Special County Value. The site is however divided between two character area boundaries within the Cheshire Landscape Character Assessment 2008 the approximate split follows the proposed splits to the site- site 1 falls within the Sandy Woodland character area and site 2 falls within the Estate Woodland and Meres character area.

The topography of land surrounding the site is of gently rolling arable land to the west and gently undulating parkland to the east becoming steeper further north.

The rolling nature of the surrounding landscape is relatively flat, undulations to the east create a number of low lying hills approximately 2.5km from the site. There is a unified rural landscape, with strong field patterns.

Policy NE1 seeks to conserve and enhance the quality of the landscape and to protect it from development which is likely to have an adverse effect on its character and appearance.

In this instance, the application site due to its size and its character displays many of the features listed within the various character assessments. It therefore contributes to the ASCV. The proposals would significantly alter the character of the land by the arbitrary subdivision of

the fields, the additional hardstanding, the post and rail fencing and the various alterations to the topography of the land to facilitate the cross country course. The proposals would fail to conserve and enhance the quality of the landscape, permanently changing the character of the land which due to the scale of the development and the size of the land involved would significantly detract from its existing rural character.

Turning to visual impact, the Landscape Assessment indicates that the presence of hedgerows and trees coupled with the proposed landscaping would mitigate the visual impact of the proposals. It is acknowledged that the site benefits from tree cover and the presence of hedgerows and the ancient woodland to the rear which prevent long distance views. It is also acknowledged that there are other landscape features such as quarries nearby and that the proposals would not involve permanent buildings. That said, the permanent nature of the works to the site coupled with the levels of likely activity which could be generated by a development of this scale (and which could not be effectively restricted via conditions) and the size of the land affected ensures that the proposals would have a material adverse impact upon the landscape.

Nature Conservation

Given the size of the site, the scale of the proposals and the existing nature features on and around the site, a protected species survey has been submitted by a suitably qualified and experienced ecologist which relates to a number of protected species.

There are also three Grade C Sites of Biological Importance within 1km of the site.

The EC Habitats Directive 1992 requires the UK to maintain a system of strict protection for protected species and their habitats. The Directive only allows disturbance, or deterioration or destruction of breeding sites or resting places,

- in the interests of public health and public safety, or for other imperative reasons of overriding public interest, including those of a social or economic nature and beneficial consequences of primary importance for the environment

and provided that there is

- no satisfactory alternative and
- no detriment to the maintenance of the species population at favourable conservation status in their natural range

The UK implements the Directive in the Conservation of Habitats & Species Regulations 2010 which contain two layers of protection

- a requirement on Local Planning Authorities ("LPAs") to have regard to the Directive's requirements above, and
- a licensing system administered by Natural England.

Circular 6/2005 advises LPAs to give due weight to the presence of protected species on a

development site to reflect EC requirements. "This may potentially justify a refusal of planning permission."

PPS9 (2005) advises LPAs to ensure that appropriate weight is attached to protected species "Where granting planning permission would result in significant harm [LPAs] will need to be satisfied that the development cannot reasonably be located on any alternative site that would result in less or no harm. In the absence of such alternatives [LPAs] should ensure that, before planning permission is granted, adequate mitigation measures are put in place. Where ... significant harm ... cannot be prevented or adequately mitigated against, appropriate compensation measures should be sought. If that significant harm cannot be prevented, adequately mitigated against, or compensated for, then planning permission should be refused."

PPS9 encourages the use of planning conditions or obligations where appropriate and again advises [LPAs] to "refuse permission where harm to the species or their habitats would result unless the need for, and benefits of, the development clearly outweigh that harm."

The converse of this advice is that if issues of detriment to the species, satisfactory alternatives and public interest seem likely to be satisfied, no impediment to planning permission arises under the Directive and Regulations.

The protected species survey indicates that the SBIs would be unaffected by the proposals provided that the ancient woodland to the east is protected throughout the course of the development. This could be conditioned in the event of an approval.

Whilst the arable land within the survey area has limited conservation value, the ancient woodland and hedgerows have high conservation value and are likely to be important wildlife corridors. The protected species recommends further survey work of the site in the summer months and mitigation and reasonable avoidance measures in respect of some species. A further survey was submitted with the application which indicated that European protected species would be unaffected by the proposals and recommended various mitigation measures for other protected species. The Council's ecologist has advised that these recommendations be conditions of the permission and that a further condition be attached to any permission in respect of further surveys if works to trees are required.

Whilst there are concerns that due to the scale and size of the proposals, the development would have an adverse impact upon nature conservation, in light of the comments received from the Council's ecologist and given that the fields are regularly ploughed, any habitat is restricted to the site boundaries such as the hedgerows, trees and woodland. These features would be retained or reinstated where removed. As any impact is unlikely to be significant it is considered that mitigation measures attached to the permission would ensure the development would not result in significant harm to protected species.

Highways

The existing field access is considered appropriate for agricultural use. The proposals include alterations to the point of access and the provision of a surfaced track leading to a car park for 40 vehicles.

Whilst the use of the site coupled with the amount of car parking provided would suggest vehicle movements synonymous with a commercial use, the applicant has made it clear that the development would be associated with private use only and as such the car parking is unlikely to be saturated and could be used on an infrequent basis. On that basis, the impact on highway safety is likely to be marginal.

Whilst the level of car parking would appear to be excessive, ministerial guidance indicates that maximum car parking standards should not be enforced. Whilst this is not a sustainable location and the car parking would be excessive, in light of the latest ministerial guidance, it is not considered that a reason for refusal on these grounds could be sustained.

Amenity

Given the separation distances between the site and neighbouring properties and the expected level of use given that the land would be for private use only, it is not considered that the proposals would generate significant levels of noise and disturbance to the detriment of neighbouring amenity.

Trees

The site is rich and diverse in terms of the tree species and coverage. There is an area of woodland surrounding Snape Brook to the eastern site boundary and there is a native species hedgerow adjacent to Congleton Lane. There are also a number of mature trees within the hedge and a small copse of trees within the North West corner of the site.

The Tree Report submitted with the application indicates that the trees are in a reasonable condition but that some works are required. The extent of the proposals would enable the existing trees to be retained and protected throughout the course of the development and suitable species could be provided within the areas of new planting. It is therefore considered that any impact upon trees could be mitigated via appropriate conditions.

It is duly acknowledged within the Tree Report that the hedgerow along the front of the site could be classified as important under the Hedgerow Regulations 1997. Whilst there are no saved policies within the Local Plan which specifically relate to the loss of important hedgerows, as the hedgerow would be reinstated the impact in nature conservation terms would be marginal.

Public Right of Way

A public footpath runs along the northern boundary of the site however this would be unaffected by the proposals. There is a statutory obligation on the developer to ensure the Public Right of Way remains unobstructed and therefore there would be no requirement to condition this in the event the application is approved.

The PROW unit has expressed concern regarding conflict between users of the footpath by pedestrians and horse riders. This impact could be mitigated via the imposition of an appropriate condition. In any event such conflict is unlikely to occur on a frequent basis given the likely level of use of the site and the footpath.

Flood Risk and Water Resources

The proposed development is not considered to be a sensitive end use and therefore is not considered inappropriate within an area of flood risk. The brook would be unaffected by the proposals and the additional hardstanding would not have a material impact upon surface water run-off. In this regard, the Environment Agency has not objected to the application.

Whilst drainage details have not been submitted it is not considered necessary to condition drainage measures given that most of the land would remain permeable.

Any impact in terms of removal of material or importation of material onto the site could be addressed via appropriate conditions.

EIA Regulations

As the proposals do not comprise development listed in either Schedule 1 or Schedule 2 of The Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 the development is outside of the scope of the regulations. An Environmental Statement is therefore not required in support of the application.

Other Matters

Whilst there are a number of discrepancies within the submission these have not prejudiced the recommendation of the application.

CONCLUSIONS AND REASON(S) FOR THE DECISION

The development represents inappropriate development within the Green Belt. It would also have an adverse impact upon the character and appearance of the site which would conflict against Green Belt policy, policies protecting the open countryside more generally. In addition the proposals would facilitate the loss of agricultural land including land classified as the best and most versatile agricultural land.

RECOMMENDATION

REFUSE for the following reasons:

- 1. The proposals would represent a material change of use of the land which due to the size of the land affected the scale of the proposals and the associated activity would represent encroachment and harm the openness of the Green Belt. As such the proposals represent inappropriate development in the Green Belt contrary to national guidance PPG2: Green Belts. No very special circumstances are considered to exist that could justify the development.**

- 1. The scale of the proposals and the size of the land affected would have an adverse impact upon the character of the site and the landscape. The proposals would therefore be contrary to policies NE1 Areas of Special County Value, NE2 Protection Local Landscapes, NE3 Landscape Protection and Enhancement in the Macclesfield Borough Local Plan 2004.**
- 2. The proposals would facilitate the loss of a large parcel of agricultural land in active agricultural use, some of which comprises Grade 2 land which should be safeguarded from development. To allow the development would be contrary to guidance within PPG2: Green Belt and PPS7 Sustainable Development in Rural Areas.**



CHESHIRE EAST COUNCIL

REPORT TO: NORTHERN PLANNING COMMITTEE

Date of Meeting:	20 July 2011
Report of:	Adrian Fisher Head of Planning & Housing
Subject:	Planning for Growth & the Presumption in Favour of Sustainable Development
Portfolio Holder:	Cllr Rachel Bailey

1.0 Report Summary

- 1.1 The purpose of this report is to update the Board on recent ministerial announcements with regards to growth and sustainable development

2.0 Decision Requested

- 2.1 That the report be noted

3.0 Reasons for Recommendations

- 3.1 The report is for information only

4.0 Wards Affected

- 4.1 All

5.0 Planning for Growth

- 5.1 On the 23 March the Minister for Decentralisation Greg Clark published a statement entitled 'Planning for Growth'. On the 15 June this was supplemented by a statement highlighting a 'presumption in favour of sustainable development' which will be published in the forthcoming National Planning Policy Framework.
- 5.2 Collectively these two statements mark a clear effort by Government to shift the emphasis of the planning system away from what might be viewed as an overly protective stance and towards a much more positive approach to development. As the minister says:

"The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy"

- 5.3 The statement (reproduced in full as Annex A) indicates that economic considerations should feature prominently in deliberations on new development, especially given the need to boost economic growth after the recession. Also highlighted is the need to maintain housing supply and not to place undue burdens on development.
- 5.4 In the past month this has been supplemented a further statement on a presumption in favour of sustainable development. This reinforces the inter connection between environmental, social and economic factors – with particular emphasis on the latter. The Government's clear expectation is that we move to a system where the default answer to development is 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.
- 5.5 The proposed policy reads:

There is a presumption in favour of sustainable development at the heart of the planning system, which should be central to the approach taken to both plan-making and decision-taking. Local planning authorities should plan positively for new development, and approve all individual proposals wherever possible.

Local planning authorities should:

- *Prepare local plans on the basis that objectively assessed development needs should be met, and with sufficient flexibility to respond to rapid shifts in demand or other economic changes*
- *Approve development proposals that accord with statutory plans without delay and*
- *Grant permission where the plan is absent, silent, indeterminate or where relevant policies are out of date*

All of these policies should apply unless the adverse impacts of allowing development would significantly and demonstrably outweigh the benefits, when assessed against the policy objectives in the National Planning Policy Framework taken as a whole.

- 5.6 Although the wider National Planning Policy Framework is yet to be published it is evident that the Government expects Councils to have immediate regard to these statements

6 Implications

- 6.1 The concept of sustainable development has long been at the heart of the planning system – and has always been understood to mean an effective balance of economic, social and environmental considerations. Some argue that the environmental considerations have taken too much of a centre stage in

recent years and that insufficient weight has been given to the economy in planning decisions. In making these statements the government is clearly seeking to redress the balance and ensure the planning system facilitates development.

- 6.2 The Council needs to take account of such statements as a material consideration in its decision making. In particular there is a need to take a positive approach to development. Our starting point should be that development is a good and necessary thing - and therefore our approach should generally be a favourable one. That is not to say we should be approving each and every development - but unless there are clear and cogent reasons why development is unacceptable, the assumption should be that it can proceed.
- 6.3 In many respects the planning system has always worked on the basis that development should not be resisted unless it can be shown to be harmful. Equally Economic Development considerations should always be factored into planning decision making. However the recent statements highlight and reinforce more explicitly than has previously been the case.
- 6.4 Also of note in the statement on sustainable development is the encouragement to promptly prepare Local Plans (the Local Development Framework) and to approve development that accords with plans 'without delay'. The Converse is that development should be approved where plans are silent or 'out of date'. As Cheshire East still relies heavily on the plans of its legacy authorities this aspect of the statement may prove to be a fertile area of challenge until the new Local Plan is in place.
- 6.5 A further aspect of the Planning for Growth Statement is an encouragement to revisit planning obligations where these render development schemes unviable in the current depressed market. Councillors will already be familiar with situations where potential developers have sought to re-negotiate agreements made during more favourable times. The message from the Government is that we should not allow overly onerous planning obligations to stymie the progress of beneficial development.
- 6.6 In many ways the Council has already embraced this positive agenda. It has signed up to the sub regional growth plan 'Unleashing the Potential' and actively promoted economic development across the Borough. We have not reduced our housing figures from the Regional Plan totals (as many have done) but rather agreed new figures that keep supply well above current build rates and we have set forward positive proposals for how housing growth will be met in our Interim policy, which closely follows the aspirations of local people in the sustainable Community Strategy.
- 6.7 However the ministerial statements are already featuring in planning appeal decisions and the Council may need to adjust our approach as key appeal decisions come through on housing supply and other developments.

7. Conclusions

- 7.1 The ministerial statements on planning for Growth and the Presumption in Favour of Sustainable Development are a material consideration which need to be taken account of in the Council's decision making. Operation and practice with be kept closely under review as appeal decisions and case law develops

Annexe A Statement on Planning for Growth

June 2011

Annex A Written Ministerial Statement: Planning for Growth (23 March 2011)

The Minister of State for Decentralisation (Mr. Greg Clark):

The Chancellor of the Exchequer has today issued a call to action on growth, publishing an ambitious set of proposals to help rebuild Britain's economy. The planning system has a key role to play in this, by ensuring that the sustainable development needed to support economic growth is able to proceed as easily as possible. We will work quickly to reform the planning system to achieve this, but the Government recognises that many of these actions will take some months to deliver, and that there is a pressing need to ensure that the planning system does everything it can to help secure a swift return to economic growth. This statement therefore sets out the steps the Government expects local planning authorities to take with immediate effect.

The Government's top priority in reforming the planning system is to promote sustainable economic growth and jobs. Government's clear expectation is that the answer to development and growth should wherever possible be 'yes', except where this would compromise the key sustainable development principles set out in national planning policy.

The Chancellor has today set out further detail on our commitment to introduce a strong presumption in favour of sustainable development in the forthcoming National Planning Policy Framework, which will expect local planning authorities to plan positively for new development; to deal promptly and favourably with applications that comply with up-to-date plans and national planning policies; and wherever possible to approve applications where plans are absent, out of date, silent or indeterminate.

Local planning authorities should therefore press ahead without delay in preparing up-to-date development plans, and should use that opportunity to be proactive in driving and supporting the growth that this country needs. They should make every effort to identify and meet the housing, business and other development needs of their areas, and respond positively to wider opportunities for growth, taking full account of relevant economic signals such as land prices. Authorities should work together to ensure that needs and opportunities that extend beyond (or cannot be met within) their own boundaries are identified and accommodated in a sustainable way, such as housing market requirements that cover a number of areas, and the strategic infrastructure necessary to support growth.

When deciding whether to grant planning permission, local planning authorities should support enterprise and facilitate housing, economic and other forms of sustainable development. Where relevant - and consistent with their statutory obligations - they should therefore:

- (i) consider fully the importance of national planning policies aimed at fostering economic growth and employment, given the need to ensure a return to robust growth after the recent recession;
- (ii) take into account the need to maintain a flexible and responsive supply of land for key sectors, including housing;
- (iii) consider the range of likely economic, environmental and social benefits of proposals; including long term or indirect benefits such as increased consumer choice, more viable

communities and more robust local economies (which may, where relevant, include matters such as job creation and business productivity);

(iv) be sensitive to the fact that local economies are subject to change and so take a positive approach to development where new economic data suggest that prior assessments of needs are no longer up-to-date;

(v) ensure that they do not impose unnecessary burdens on development.

In determining planning applications, local planning authorities are obliged to have regard to all relevant considerations. They should ensure that they give appropriate weight to the need to support economic recovery, that applications that secure sustainable growth are treated favourably (consistent with policy in PPS4), and that they can give clear reasons for their decisions.

To further ensure that development can go ahead, all local authorities should reconsider, at developers' request, existing section 106 agreements that currently render schemes unviable, and where possible modify those obligations to allow development to proceed; provided this continues to ensure that the development remains acceptable in planning terms.

The Secretary of State for Communities and Local Government will take the principles in this statement into account when determining applications that come before him for decision. In particular he will attach significant weight to the need to secure economic growth and employment.

Benefits to the economy should, where relevant, be an important consideration when other development-related consents are being determined, including heritage, environmental, energy and transport consents. The Secretary of State for Culture, Olympics, Media and Sport, the Secretary of State for the Environment, Food and Rural Affairs, the Secretary of State for Energy and Climate Change and the Secretary of State for Transport have consequently agreed that to the extent it accords with the relevant statutory provisions and national policies, decisions on these other consents should place particular weight on the potential economic benefits offered by an application. They will reflect this principle in relevant decisions that come before them and encourage their agencies and non departmental bodies to adopt the same approach for the consents for which those other bodies are directly responsible.